# The Outlook

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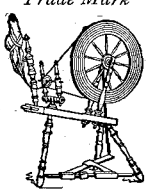

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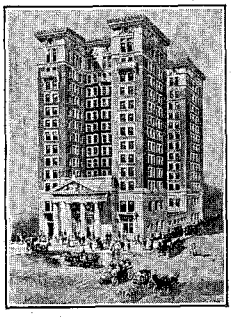

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The Outlook

SATURDAY, FEBRUARY 2, 1907

❀

*Federal Prohibition of Child Labor*

The Outlook has already given some account of the bill prepared by Senator Beveridge, of Indiana, for regulation of child labor by the Federal Government. The bill has been introduced in the Senate by Senator Beveridge and in the House by Congressman Parsons, Chairman of the New York County Republican Committee. It has been indorsed by the National Child Labor Committee, and some Southern Senators and Representatives have expressed sympathy with its general purpose in spite of their reluctance to see any further extension of Federal power as opposed to the doctrine of States' rights. Senator Lodge has introduced a similar bill in the Senate, although it is expressed in somewhat simpler terms than that drawn by Senator Beveridge, and does not apparently provide so efficient a machinery for carrying the provisions of the bill into effect. There is undoubtedly at the present moment a danger of calling too loudly on the Federal Government to right wrongs or amend abuses which the State governments have neglected. The Outlook's belief in home rule or local self-government is unshaken, but this principle should be applied only to those affairs which concern the local community. New York City should maintain, regulate, and control its own police force, for the condition of its police force affects, generally speaking, the welfare of the city only. But the State Legislature should have authority to determine what is to be done in New York City to control, mitigate, and if possible eradicate, tuberculosis. For if the people of the city of New York, through indifference, ignorance, or vice, do not use the most modern and most scientific means of fighting tuberculosis, it may spread and ravage the whole State. The abuses of child labor by this reasoning constitute a National evil, which, if ignored or neglected, is likely to have a far-reaching and dangerous effect upon the life of the whole people.

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*The Effects of Child Labor on National Life*

It is this phase of the question which appears to us to make Senator Beveridge's arguments in favor of National legislation, supported by an array of facts and figures marshaled from all sorts of workrooms and communities, unanswerable. "The census," says Senator Beveridge, "shows that nearly two million child breadwinners under fifteen years of age are now at work. Of these, almost seven hundred thousand are engaged in work other than agriculture. Child labor on the farm is good. This bill does not strike at that. It strikes only at child slavery in factories, mines, and sweatshops." One of the most striking portions of Senator Beveridge's speech is found in his description of the experience of Great Britain in dealing with this same problem. Early in the last century the philanthropists and larger-minded statesmen of England found that the people were slowly but surely suffering from physical degeneration, which could be directly traced to the malign effects of mine and factory labor upon children. At the time of the Boer War, when it was necessary to raise an army from the forty millions of population of England, Ireland, Scotland, and Wales to meet twenty-eight thousand Boers who lived the healthful outdoor life of a farmer, "an average of thirty per cent. of all recruits were rejected for reasons of physical and nervous inferiority. The Inspector-General reported that from forty to sixty per cent. of the recruits were unfit for military duty. Undersize, narrow chests, bad



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teeth, decayed nerves, bad vision, and all the other evidences of race inferiority were the causes of rejection." A large part of this physical inferiority, which of course means also mental and moral inferiority, may be directly traced to conditions of factory and mine labor; and the English Government is now endeavoring vigorously to suppress the evil. Senator Beveridge, who is one of the hardest-working and most faithful members of the Senate, deserves the highest credit for the tireless investigation which he has made of this important question. The stand which he has taken has brought the subject to the attention of the people of the country with an effect which no committee of philanthropists (more is the pity) could have hoped to produce in years of agitation. And even if, on debate and consideration, it should be found wise to modify his bill in some of its minor details, its main spirit and object should have the hearty support of the entire country, irrespective of partisan or pocketbook interests.

❀

*A Wise Decision*

The Secretary of War has rendered his decision on the applications for permission to use water from Niagara Falls for power purposes, and to import electric power from Canada. By the terms of the Burton Act, approved last June, the Secretary of War is authorized to grant permits for the diversion of water for the creation of power to an aggregate amount not exceeding 15,600 cubic feet a second, and to grant permits for the transmission of power from Canada to an aggregate quantity not exceeding 160,000 horsepower. Secretary Taft has given the most careful consideration to the question in the light afforded by the statements of the representatives of the power companies, of those interested in the preservation of the scenic grandeur of the Falls, and of the engineers of the War Department. He has granted permits for the diversion of the maximum amount of water under the act and for the admission of the maximum quantity of power. At the same time he records his conviction that the purpose of the law is to preserve the Falls from encroachments which will injure their beauty, and by the tone of his decision he makes it plain that he feels himself intrusted with their protection. At the hearing on this question Secretary Taft stated that it is his intention during his term of office not to authorize the diversion of any further amounts of water or the admission of any more power from Canada, although the Act leaves it in his discretion to do so after six months have passed. In reporting his decision Mr. Taft explains why he believes that the diversion authorized may be made without harm to the Falls:

> I have reached the conclusion that with the diversion of 15,600 cubic feet on the American side and the transmission of 160,000 horse-power from the Canadian side, the scenic grandeur of the Falls will not be affected substantially or perceptibly to the eye. With respect to the American falls this is an increase of only 2,500 cubic feet a second over what is now being diverted and has been diverted for many years, and has not affected the Falls as a scenic wonder. With respect to the Canadian side, the water is drawn from the river in such a way as not to affect the American falls at all, because the point from which it is drawn is considerably below the level of the water, at the point where the waters separate above Goat Island, and the Waterways Commission and Dr. Clark agree that the taking of 13,000 cubic feet from the Canadian side will not in any way affect or reduce the water going over the American falls. The water going over the Falls on the Canadian side of Goat Island is about five times the volume of that which goes over the American falls. . . . If the amount withdrawn on the Canada side for Canadian use were 5,000 cubic feet a second, which it is not likely to be during the three years' life of these permits, the total to be withdrawn would not exceed ten per cent. of the volume of the stream, and, considering the immense quantity which goes over the Horseshoe Falls, the diminution would not be perceptible to the eye.

Mr. Taft has further appointed a committee consisting of Mr. Charles F. McKim, Mr. Frank D. Millet, and Mr. F. L. Olmsted, to advise him what changes can be made by the Niagara Falls Power Company at the point where its tunnel discharges to "put the side of the canyon at this point from bottom to top in natural harmony with the Falls and the other surroundings, and . . . conceal, as far as possible, the raw commercial aspect that now offends the eye." He implies that the carrying out of the plans of the com-

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mittee will be made a condition of granting a permit to the company. Secretary Taft's decision seems to The Outlook to be eminently wise, insomuch as it has satisfied the defenders of the Falls as an object of natural beauty, and has satisfied, at least for the present, the power companies. The exploitation of the Falls has been stopped before the effect on their beauty and grandeur has become apparent to the eye. It has been stopped without doing injustice to the companies that have made large investments in power plants. The question has been settled for three years, which covers the life of the present permits; it remains for the American people to insure that any further exploitation shall be rendered impossible.

❀

*The Panama Canal*

The resignation of Mr. Theodore P. Shonts as Chairman of the Isthmian Canal Commission has been accepted by the Government with expressions of appreciation of the excellent work of Mr. Shonts during the past eighteen months. The resignation was evidently made after full consultation and without the slightest friction. Mr. Shonts will become President of the Interborough-Metropolitan Company of New York, and Mr. Roosevelt in his letter accepting the resignation says: "I hardly know whether most to regret the fact that the National Government is to lose you or most to congratulate those who are to profit by your services in your new position." As we understand the matter, Mr. Shonts, who has had large experience in railway management, was asked to undertake the work he has just laid down not as an engineer but as an organizer. This was the prime, pressing need of the Canal project at its outset, but Mr. Shonts rightly says: "The Panama Canal work has passed the creative stage—it is organized—it can and will go right ahead successfully under the direction of Mr. Stevens, the chief engineer." Mr. Stevens has had the enthusiastic indorsement of all the writers and engineers who have studied the question on the ground, and his immediate appointment to succeed Mr. Shonts as the head of the Commission is without dissent accepted as the best possible. If a single Commissioner shall take the place of the present Commission, as the President has recommended, there can be no doubt that Mr. Stevens will fill the office. Meanwhile the question of placing a large part of the work in the hands of a contractor seems to be approaching a practical result. The bid made by Mr. William J. Oliver was the most favorable of those submitted at the recent competition; it offered to accept as compensation a percentage of 6.75 on the cost. But one of the requirements of the contract was that at least two contractors or firms should be associated in this enormous undertaking, and the proposition first made by Mr. Oliver was not acceptable to the Government in this particular. The next most favorable bid put the percentage nearly twice as high, and the Government found it wise to give Mr. Oliver ten days in which to find two associates who should be satisfactory in financial standing and responsibility. The contract is an unusual one in its form, and it is practicable only because an elaborate system of checks, limitations, and requirements makes the contractors responsible to furnish actual results in work done proportionate to the cost upon which their percentage of profit is charged.

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*New Senators*

The elections, during the past fortnight, of United States Senators have been of peculiar interest, first, because of the number of well-known men who have been chosen to succeed themselves for six years. Among such are Messrs. Frye, of Maine, Burnham, of New Hampshire, Crane, of Massachusetts, Bacon, of Georgia, Bailey, of Texas, Elkins, of West Virginia, Nelson, of Minnesota, Morgan, of Alabama, Cullom, of Illinois, Warren, of Wyoming, Simmons and Tillman, of North and South Carolina. Deadlocks persist in the Rhode Island and New Jersey Legislatures, where Messrs. Wetmore and Dryden are candidates to succeed themselves. They have met with strongly intrenched and obstinate opposition. Among the new men in the



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Senate are the able and distinguished Congressman William Alden Smith, of Michigan, a Republican, succeeding the late Senator Alger, a Republican; Congressman Charles Curtis, a Republican, from Kansas, the first Senator of Indian parentage, succeeding Senator Benson, a Republican; Congressman Joseph M. Dixon, a Republican, from Montana, only thirty-nine years old, succeeding the well-known mining multi-millionaire Senator W. A. Clark, a Democrat; Simon Guggenheim, a Republican, from Colorado, succeeding Senator Patterson, a Democrat. Mr. Guggenheim is a member of the well-known Hebrew family who control the American Smelting and Refining Company, generally known as the Smelting Trust, and will share with Mr. Dixon the distinction of belonging to the youthful class in the Senate, both men having been born in the same year. Mr. Guggenheim is a native of Pennsylvania, but has been a resident of Colorado since 1889. Some years ago he was nominated for Lieutenant-Governor by the Silver Republicans of that State; he declined the nomination, although the ticket was elected. Later, in 1898, he was nominated by the same party for Governor, and indorsed by the People's party, but withdrew from the ticket. In 1904 he was chosen as a Presidential elector from Colorado. Although the representative of vast financial interests, and doubtless owing his election largely to his power as a financier, Mr. Guggenheim has resigned from all his business positions, and has declared that his one work in life will be worthily to represent the State of Colorado in the Senate. His friends, placing implicit confidence in his integrity, expect the fulfillment of this promise to the letter. Mr. Guggenheim's election, generally regarded as the latest striking example of the power of campaign contributions, was in strong contrast with that of less wealthy candidates, for instance Mr. Smith, of Michigan, and Mr. Curtis, of Kansas (both of whom began life as newsboys), whose Congressional experience leads observers to anticipate even greater distinction than that which they have won in the House of Representatives. Turning to the South, we find in Arkansas the demagogic Governor Jefferson Davis, Democrat, succeeding, to the general regret, one of the most picturesque and respected figures in the Senate, James H. Berry, Democrat. In Tennessee the able Senator Carmack, Democrat, is succeeded by Governor Taylor, Democrat. In Kentucky another Governor, J. C. W. Beckham, Democrat, replaces Senator Blackburn, Democrat; and in Delaware Harry A. Richardson, Republican, succeeds Senator Allee, Republican; Messrs. Beckham and Richardson will be the youngest Senators, being each only thirty-seven years old. In Nebraska Senator Millard is succeeded by Senator Brown, who may also be regarded as belonging to the "juveniles," being but forty-four years old; and in Montana Senator Borah, Republican, replaces Senator Dubois, Democrat. Finally, in Oregon, Messrs. F. W. Mulkey and Jonathan Bourne, Jr., both Republicans, succeed Senator Gearin, Democrat, and Senator Fulton, Republican. Of the above elections, that in Oregon is the most notable, since, by the successful use of popular elective methods, the will of the people seems to have been registered more directly than has been the case in any other Senatorial election in our history. The Oregon methods might well be copied by every State in the Union.

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*In Congress* While it required a certain degree of moral courage for Congress to pass a bill increasing salaries of Senators and Representatives from $5,000 to $7,500, we have not noted that the action has incurred reprobation from either people or press. The United States can do one of three things in this matter of compensation to its legislators: it can ask them to serve without pay, as do the members of the English Parliament; it can offer them a small honorarium not based on the value of services; or it can pay salaries which may fairly be regarded as compensation. The amounts now fixed certainly cannot be considered excessive in view of the recent increase in the cost of living and in comparison with the sums earned by lawyers and other professional men of no greater ability than that which the

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average Congressman should at least be supposed to have. The Outlook now, as always, favors not only reasonable but liberal compensation to those who serve the Government in important offices. The bill carries also an increase of the salaries of the Vice-President, Speaker of the House, and members of the Cabinet from $8,000 to $12,000. In the debate Senator Lodge pointed out that the traditional system of England in not paying its members of Parliament, while it worked well in certain ways, had also its weak points, in that the poorer Irish members and the labor members were partly supported by contributions collected from their constituents—a palpably bad method. Mr. Lodge also pointed out as an example of the defects of our own system of inadequate pay that his late colleague, Senator Hoar, one of the ablest men who ever entered public life, had devoted himself to the service of the people, giving up a lucrative practice at the bar, and that in consequence he had been constantly under disagreeable financial pressure.——Another important bill which has now passed both Houses is that making it unlawful for any National bank or corporation organized by authority of Congress to contribute money in connection with any political election, or any corporation whatever to contribute money in connection with a Federal election. To the penalty of a fine, imposed in the Senate bill, the House has added the penalty of imprisonment. We hope that in conference the bill will be even further strengthened.——Still another measure of general interest which has passed both Houses is the joint resolution calling on the Secretary of Commerce and Labor to investigate and report on the condition of child and women workers in the United States. It is greatly to be regretted, however, that this bill contains no appropriation to carry out its own provisions. As the advocates of the bill point out, it is impossible to discuss rationally or to treat wisely the many problems involved without a basis of carefully gathered facts and figures relating to the social, sanitary, moral, physical, and economical conditions under which women and children work. The present Commissioner of Labor, Mr. Neill, is anxious that his bureau should make such an investigation as would leave in its records material of great value and in a wide field. Surely Congress should either declare its opposition to this measure as unnecessary or unconstitutional, or, if it approves it, as the passage of the bill implies, it should furnish—and furnish liberally—the means to carry it out.——The General Pension Bill now before the House of Representatives carries a total of about $2,000,000 less than for the previous year, and there is a net reduction of about 12,000 names in the pension roll, leaving the total, however, at 988,000. The number of pension agencies is reduced by one-half. A separate bill (the McCumber bill) provides what may be called an old-age service pension—$12 a month for veterans of sixty-two, $15 a month for those of seventy, $20 a month for those of seventy-five. This is simply an enlargement of the present law, which fixes the attainment of the age of sixty-five as *prima facie* proof of pensionable disability.

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*Railway Disasters*

On one day last week eight railway disasters were reported. During the week there were as many more. Two of them occurred on the "Big Four" railway in Indiana; in one case, in a disaster memorable in the notorious record of American railways, twenty-three persons were killed and twenty-five injured; in the other the explosion of a car of dynamite standing alongside a passenger train caused an even more tragic and terrible massacre. Another disaster occurred on the Lake Shore, and from the cause which precipitated the awful Mentor accident a few years ago—an open switch; the system of open or facing switches should long ago have been prohibited on all double-track roads. The other accidents were caused by locomotive explosions, derailments, and head-on collisions. With such a record as last week's the public is becoming increasingly and deservedly restive. We should like to know how many of the above-mentioned disasters are not ultimately due to the

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unduly long hours demanded of railway employees. It will be of public interest to give some of the cases as described by Senator La Follette in presenting his bill limiting the number of hours in which employees on inter-State railways may be employed:

In one of the first or earlier cases reported in this table I find this entry: "Collision. Engineman asleep; hours on duty, 17; hours of rest preceding the service"—which was interrupted by this accident—"hours of rest, 2." That is, this engineer who fell asleep upon his engine had been seventeen hours on duty, and had gone on duty—had been called by the company to go out upon his engine—after having had only two hours to rest following the preceding service.

Another: "Collision. Train not under control" is stated as the cause of this collision. "The hours on duty, 42."

Another: "Collision. The engineman dozing; 17 hours on duty," and with only six hours' rest immediately preceding his call to this service.

Another, resulting in the killing of one man, the cause being stated as follows: "Signalman went back to flag; fell asleep; 20 hours on service."

Another, resulting in collision: "Engineman asleep; 20 hours on service."

Another case, resulting in collision; cause reported by the railway company: "Flagman neglected to flag; hours on duty, 19."

Another, resulting in collision: "Engineman dozing; 20 hours on service."

Another, resulting in collision: "Engineman mistaking signals." Twenty-seven hours on duty.

Another, resulting in collision: "Engineman going to sleep; 15 hours on duty, with 5 hours of rest immediately preceding the call for that service."

❀

*Causes*

But this is not the only cause of railway disasters. Even with men who are employed a proper number of hours defective discipline is only too much in evidence. Railway discipline has now sunk to a low condition even among those who are adequately provided for by the roads; and the present condition is due, not only to shiftlessness on the part of superintendents and other officers, but to the growth of a certain trade union idea which would demand employment for any man whether he is worthy or not; for instance, an engineer was recently discharged for drunkenness, but his union persisted in their demand for his reinstatement despite his fault. Another and equally noteworthy element leading to the present condition of lax discipline is the tremendous demand for employees; in consequence, many of them are no longer anxious lest they shall lose their jobs; they have grown indifferent, lost their sense of duty, and have also lost respect for authority. Then, as a further contributory cause, comes the question of inadequate safety appliances, to which The Outlook has already referred with recommendations for their betterment. Finally, however, and perhaps chiefly, the fault as to the number of railway accidents lies ultimately with some of the great financial powers controlling the railways. These powers have narrow views of their responsibility, as of their own real interest and certainly of the interest of society. It is a satisfaction to note the declaration at a recent meeting of the American Railway Association of a distinguished officer that an impending calamity lay in the drifting of the control of railways from the hands of professional and technical men into the hands of those financiers who regard railways not so much as transportation machines as opportunities for speculators to make money. But no matter what the causes of American railway accidents, the American people have only themselves to blame so long as they ignore a perfectly evident means of diminishing them. For thirty years England has made travel comparatively safe by the governmental investigation of railway accidents through a Bureau in the Board of Trade. Will not Congress establish a similar Bureau in our Department of Commerce?

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*A Notable Automobile Show*

New York's second automobile show of the season brought together in the Madison Square Garden the products of thirty-two American manufacturers of gasoline cars, seven importing concerns, and several makers of electric vehicles. For a week the Garden was thronged with owners of cars anxious to keep informed on the progress in automobile-making, prospective buyers comparing the merits of the various makes, and the general public, brought by curiosity or real interest. As in the earlier show, described in The

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Outlook a few weeks ago, the higher priced and more luxurious cars were the most prominent features. Strictly low-priced cars, costing from five hundred to eight hundred dollars, were conspicuous by their absence. A single exception was a simple buckboard fitted with a one-cylinder engine and selling for about four hundred dollars, and in somewhat more elaborate and powerful forms for slightly higher prices. The demand for touring-cars at medium prices, say from $1,500 to $3,000, and for the more luxurious and high-powered cars, has increased so rapidly that the manufacturers can hardly keep pace with it. There is little or no incentive for them, therefore, to devote their attention to cars for the man of modest income. One firm, indeed, whose first reputation was made on a low-priced car of unusual excellence, now makes that style only on order and does not exhibit or generally advertise it. It is now turning out higher-priced cars, of which, as a representative said, "we can sell all that we can make." It required only a casual observation of the exhibits to force the conclusion that in the points of beauty of form and finish and of comfort and convenience for passengers the American manufacturer has set himself a high standard. Many of the cars need fear no comparison with cars of foreign makes noted for their excellence in these particulars. The more fundamental question of mechanical design and construction cannot be determined by so casual a study or by an untrained observer. It is, however, probably unquestioned that this exhibition shows a marked and important advance in this direction as well. What is practically (as far as general use is concerned) a new type of car has appeared this year. It is the high-powered runabout, intended for road-racing or speeding.

❀

*The Automobile on the Highway*

The popularity of the new type, which would seem to have no other reason for being than the ability to attain high speeds, emphasizes again the need for more efficient measures for controlling the movements of automobiles on the highways. A correspondent has called to our attention the law in force in the island of Jamaica. It is simply this:

> No person shall drive a motor-car on a public highway recklessly, or negligently, or at a speed or in a manner which is dangerous to the public.

The wisdom of such a provision, as opposed to one which sets a maximum speed limit for different parts of the highway, is upheld by the statement of the Commissioner of Motor Vehicles for New Jersey in his annual report to the Governor. He shows that in almost every instance of an accident the automobile was not exceeding the speed limit; the accidents occurred at intersecting streets, at sharp turns, or where the traffic was heavier than to justify the speed at which the car was being driven. The Jamaican law, which is similar to those in force in European countries, puts the responsibility for caution on the driver. It leaves to judicial interpretation what, under each set of circumstances, constitutes reckless or dangerous driving. It simplifies the detection of violations of the law, substituting a broad consideration of conditions for an accurate determination of speed, a task requiring the expert use of a stop-watch, with the result always open to dispute. A simplification of the automobile laws in this direction would, in the opinion of The Outlook, make for the better restraint of the selfish driver and the greater safety of both automobilists themselves and the general public. In the final event, however, the laws, however wisely drawn, must be reinforced by the sentiment of automobile users themselves to be really effective. A promising indication of the growth of such a sentiment was given by an occurrence last week. Mr. Colgate Hoyt, President of the Automobile Club of America, and four ex-Presidents of the Club, were made special officers of the New York police force. Their purpose is to detect and secure the punishment of violations of the highway laws. Whether they succeed in accomplishing much in the direct performance of their police duties, this expression of respect for the rights of the public by leaders among automobilists can hardly fail to have a wholesome effect.

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*The Coming Hague Conference*

During the past fortnight there have been three indications of official and popular interest in the coming Peace Conference at The Hague. The most important has been the action of the Emperor of Russia, who is to issue the call for the Conference. He has sent, as Special Envoy to the Powers, Privy Councilor Frederick de Martens, Professor of International Law at the University of St. Petersburg and a member of the first Peace Conference; he was also the legal adviser to the Russian Ambassadors at the Russo-Japanese Conference at Portsmouth a year and a half ago. It is interesting to note that Professor de Martens proceeded directly from St. Petersburg to Berlin, where he discussed the plans for the coming Conference with Mr. Tower, the American Ambassador. In the limited time at the Russian Envoy's disposal he could not go to Washington, and our Government, therefore, has authorized Mr. Tower to confer on the matter, submitting to Washington, however, for approval or disapproval, any proposition made by the Russian Envoy. It is understood that our Government also represents the views of the Central and South American States. Some of the Powers would welcome May 18 as a date to mark the opening of the second Peace Conference; historically because the Conference of 1899 convened on that date, and practically because, in view of the number of subjects to be considered, the Conference may be a long one, and the date of meeting should be put as far in advance as possible. A second indication of the general sentiment concerning the necessity of another conference was shown at a meeting in New York City, addressed by a number of speakers, among whom Mr. Edwin D. Mead, of Boston, was prominent. He declared that our people should stop thinking themselves Americans first, last, and all the time; they must consider themselves citizens of the world first and citizens of America afterwards. Attention was also called to the fact that the American Government is being increasingly recognized as a model, men everywhere seeing in the Federal control of our States by the Federal courts a model for the federation of all nations by a central and controlling body. Hence the proposition of the Interparliamentary Union at London last summer, that the Hague Tribunal should ultimately constitute the Upper Chamber and the members of the Interparliamentary Union the Lower Chamber of a new International Parliament, will, we think, receive deserved attention at The Hague. As the first Peace Conference established an international tribunal, so the second Conference may establish an international legislature.

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*The Code Duello*

In addition, the principal subjects for discussion at The Hague are: (1) the payment by the Powers, proportionately to their population, of ample salaries to the judges of the Hague Court, such judges to hold no political position of any kind during their term of office; (2) the protection of private property at sea in time of war; (3) the rights and duties of neutrals; (4) the codification into international law of the principles of arbitration and mediation; (5) the Drago Doctrine as to the collection of debt; (6) action on the matter first urged by Russia as a reason for a peace conference, namely, some agreement towards disarmament; and (7) finally, also action on a matter now suggested by Russia, namely, a definition of the methods hereafter to be followed in opening hostilities. Concerning the further action on mediation, Mr. W. T. Stead, editor of the London Review of Reviews, has undertaken a personal pilgrimage to the different Powers to induce them to make obligatory the article of the Convention of 1899 which provides that, in case of a conflict being imminent between two nations, a third Power may exercise the right to offer its mediation without either of the two possible belligerents being able to take offense. Mr. Stead hopes to induce an agreement among the Powers, before the second Conference meets, looking toward the reinforcement of this article to the effect that, in the case of failure to receive mediation, neither country shall open

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hostilities until a period of fifteen or twenty days shall have elapsed. Mr. Stead would thus sensibly apply to quarreling nations the "code duello."

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*Who Will Help?* Americans do not yet realize that the present actual suffering in China from famine is much greater than that caused by earthquake and fire in San Francisco. Last summer heavy rains flooded much of the country along the Grand Canal from knee-deep to waist-deep, while in some places people had to wade through places with water up to their necks. The floods have widened and deepened until what was formerly a fertile plain west of the canal, covered with good crops and prosperous villages, is now a vast lake. The villages and hamlets which rise above the sheet of water can be reached only by boats. The people are destitute. In an area of forty thousand square miles the crops have been almost totally destroyed, and in the country beyond only partial crops have been saved. From ten to fifteen millions of people live in the affected region. At least a third of them are on the verge of starvation. In addition, the reeds which constitute fuel have been destroyed by the floods. Thousands of houses have also been destroyed. There is no hope of relief before the ripening of the crops next June, and even for that farmers have no wheat to plant and are forced to sell their work animals to buy food. The American National Red Cross, true to its motto of neutrality and humanity, has been quick to note the need in China. It has appointed Mr. J. L. Rodgers, United States Consul-General at Shanghai, Special Red Cross Agent to receive and superintend the distribution of supplies, and has appealed to the American people for funds with which to buy supplies. President Roosevelt has issued a special message on this subject. If only our people realized that for every dollar sent to the Red Cross a fifty-pound sack of flour can be delivered to the suffering, we think the response would be specially prompt and liberal. The delivery of so much flour for so little money has been made possible in part by the generosity of Mr. Harriman, President of the Pacific Mail Steamship Company, in offering to transport supplies without charge. Moreover, bids are asked, that the flour may be bought at the cheapest possible rate. Flour, corn-meal, and seed-wheat have been specially asked for, the seed-wheat being needed for planting. Money may be sent to the local treasurers of the Red Cross—Mr. Jacob H. Schiff, 500 Fifth Avenue, New York City, being the treasurer of the New York State branch—or simply to the Red Cross, War Department, Washington, D. C. As the Hon. William H. Taft, Secretary of War and President of the National Red Cross, said last week at a special Red Cross meeting in Charleston, South Carolina:

> In the matter of fraternal brotherhood, in the matter of friendly feeling of one man toward another, of one woman toward another, it is necessary, if that feeling is to be given . . . practical effect, that machinery should be developed so that all the tears of sympathy that any misfortune awakens shall be gathered together in a flood, which, carried on, shall give force—a force in one blow to do something practical for the good of the person whose misfortune has awakened sympathy. That is the machinery which the Red Cross proposes to furnish, so that those who have a feeling for five minutes—and sometimes the feeling does not last longer than that—may know that if in that five minutes it occurs to them . . . to put ten dollars in a fund to help the Chinamen in China, or the negroes in Kingston, or our own people in San Francisco, they . . . can do it, because they know that there is a machinery through which it can be done efficiently, practically. That is the object of the Red Cross.

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*An Unhappy Humorist* As a test of the good understanding between this country and Great Britain nothing could have been more fortunate than the ridiculous letter of Governor Swettenham, of Jamaica, to Rear-Admiral Davis. The folly of the foolish is sometimes overruled for more efficient service than the wisdom of the wise. The facts appear to have been that, through a misunderstanding, Admiral Davis did fire a salute in the Governor's honor, although the Governor had requested that no salute be fired; that without invitation he did land six marines to protect the American Consulate, but that immediately afterward he was asked by the

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authorities of the island to land fifty marines to assist in the work of protection and restoration, which he promptly did. It would seem as if the larger request condoned the smaller offense. It was, however, Governor Swettenham's unhappy idea that he was a humorist that led him to commit a gross discourtesy under the impression that he was making himself agreeable, and he could hardly have been expected to recognize in things that humor which he failed to discover in himself. The incident was instantly understood in this country, and no importance whatever was attached to it. Americans accepted the fact that the Governor of Jamaica was one of those malaprops who sometimes turn up at the wrong moment in diplomatic service, and refused to accept him, as they would have done two decades ago, either as a typical Englishman or as expressing the spirit of his Government. In England, however, the indignation appears to have been very general, and the promptness with which the American fleet acted as a neighbor in a moment of great need has been universally appreciated. The Government of the United States has wisely ignored the whole matter. It only remains for the British Government to settle with Governor Swettenham. Among other beneficent results of the incident is an expression of opinion from Mr. George Bernard Shaw, who is almost always successful when he essays humor:

Rear-Admiral Davis evidently is not accustomed to the manners of the English official classes. Governor Swettenham would naturally regard an American admiral with a certain suspiciousness, first, as a foreigner and a dissenter; second, as a member of a naval branch into which the sons of clergymen and other professional persons enter freely; and, finally, as an officious intruder whose action implied that England could not cope with an earthquake without assistance. The Governor probably conceived himself as acting with studied politeness under circumstances of most presumptuous provocation.

The Archbishop of Jamaica's reported interpretation of Governor Swettenham's action also deserves to be reproduced as a specimen of perhaps unconscious humor:

It was merely a result of the dictatorial character of the Governor. His imperious manner, his frequent abuse of subordinates, and his discourtesy to citizens have earned him great unpopularity, although otherwise he is regarded as a comparatively conscientious official.

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*The Lee Centennial*

The one hundredth anniversary of the birth of General Robert E. Lee was observed in many places, but interest centered in the celebrations held in the Lee Memorial Chapel of Washington and Lee University, at Lexington, Virginia, and at Willard's Hotel, in Washington. Speaking at Washington and Lee University, Mr. Charles Francis Adams said:

Speaking advisedly and on full reflection, I say that of all the great characters of the Civil War, and it was productive of many whose names and deeds posterity will long bear in recollection, there was not one who passed away in the serene atmosphere and with the gracious bearing of Lee. From the beginning to the end those parting years of his will bear the closest scrutiny. There was about them nothing venial, nothing querulous, nothing in any way sordid or disappointing. In his case there was no anticlimax, for those closing years were dignified, patient, useful, sweet in domesticity, they in all things commanded respect.

At the meeting in Washington addresses were delivered by Senator Berry, of Arkansas, Justice Brewer, of the United States Supreme Court, and Representative Williams, of Mississippi; but the most striking feature of the occasion, and indeed the most significant feature of the celebration anywhere in the country, was a letter from the President of the United States, in which he said:

General Lee has left us the memory, not merely of his extraordinary skill as a general, his dauntless courage and high leadership in campaign and battle, but also of that serene greatness of soul characteristic of those who most readily recognize the obligations of civic duty. Once the war was over he instantly undertook the task of healing and binding up the wounds of his countrymen in the true spirit of those who feel malice toward none and charity for all; in that spirit which from the throes of the Civil War brought forth the real and indissoluble Union of to-day. It was eminently fitting that this great man, this war-worn veteran of a mighty struggle, who at its close simply and quietly undertook his duty as a plain, every-day citizen, bent only upon helping his people in the paths of peace and tranquillity, should turn his attention toward educational work, toward bringing up in fit fashion the younger generations, the sons of those who

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had proved their faith by their endeavor in the heroic days.

The President also commented on the spirit in which General Lee, at the close of the war, accepted a salary of fifteen hundred dollars a year as President of Washington and Lee University, in order that he might do some good work for the young men of the South; devoting his great powers to two objects—the reconciliation of all his countrymen with one another, and the fitting of Southern young men for the duties of a lofty, broad-minded citizenship; and the President expressed his hope that advantage would be taken of the anniversary to appeal to the people of the whole country to commemorate General Lee's spirit and life by the establishment of a permanent memorial at one of the representative educational institutions of the South. The prediction in The Outlook that the occasion would mark in the most striking way the moral miracle of reconciliation, and that it would evoke widespread admiration for General Lee's spirit and life, has been more than fulfilled.

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*Ancient Writings*

The German scientific expedition under the direction of Dr. von Lecoq, which has been at work in the Jaxartes Valley, according to a report in the New York Tribune, has made a very interesting discovery in the form of a store of literary and artistic treasures, including a large group of manuscripts on paper, leather, and wood in ten languages and a number of dialects. Two of the languages have been hitherto practically unknown; the third has been known only through a few rock inscriptions in Tibet; the existence of the fourth has never been suspected. The collection is said to equal in volume the entire mass of Middle Persian writings hitherto known to exist. Other manuscripts are in Chinese, Tibetan, Syriac, Uighur, and the primitive Turkish language, the alphabet of which is said to bear a curious resemblance to that of the ancient Norse. The country in which these manuscripts were found lies between the Oxus and the Irtish, and, as readers of Firdusi will remember, was at one time a kind of cosmopolis of Asia, where many tribes and nations met. Persian, Mongol, and Tartar came together at that point; China, Persia, and Hindustan finding in it a common meeting ground. The Tribune ventures the suggestion that the German explorers have found what was once a kind of Carnegie library, or reading-room annex. The possibilities of the discovery are very great; in so large a mass it is highly probable that many important writings are included. Such a discovery also strengthens the hope that repositories in Europe are still to be brought to light, and some of the ancient writings known to have been lost may possibly be recovered.

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*A French Estimate of Greatness*

No recent happening in France shows more clearly the change of national ideals and standards of greatness than the results of a plebiscite which the Petit Parisien, one of the most widely circulated journals in France, has been taking to secure popular selection of the greatest Frenchmen of the nineteenth century. It is significant also of the interest which the French people feel in such matters that more than fifteen million votes were cast, and that a number of men received more than a million votes each. This device for discovering the state of popular opinion has often been tried, and sometimes very seriously, by newspapers in this country, but the results are not, as a rule, very enlightening, because readers do not generally respond by expressing their opinion. Until within a very few years there could have been no doubt as to the name which Frenchmen, almost by acclamation, would have put at the forefront; and the change of standards of achievement indicated by the fact that the first name on the list, instead of being that of Napoleon, was that of Louis Pasteur, who received 1,338,425 votes, is one of the most radical and extraordinary things in contemporary history. Victor Hugo, who received 1,227,103 votes, came second on the list—a result which might have been anticipated; for Victor Hugo, whatever his defects, is one of the foremost lyric

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poets that France has produced, one of its most impressive and widely read novelists (though his vogue has passed, probably never to return), and one of the most picturesque figures in the political history of the country; an ardent lover of liberty, and the victim of the latest rule of imperialism. Not until the third name, Gambetta, is reached, does a public man in the old sense of the word come to the front, and Gambetta was much more than a statesman. He was an orator whose eloquence had the impassioned vividness characteristic of the men of southern France, which appealed to men of every section of the country. The histrionic element in him was excessive, as it is in the striking monument which commemorates him in the court of the Louvre; but he was a man to touch the enthusiasm of a generous people as well as to command their following. Napoleon came fourth, and Thiers, who was a writer as well as a statesman, and who was identified with the terrible months following the fall of the Empire and with the laying of the foundations of the Third Republic, fifth. Later one finds the names of the discoverer of radium, of a great electrician, of the man who discovered the antidote for diphtheria, of an explorer, of an actress, of the builder of the Suez Canal, of the inventer of the loom. This is a remarkable list, and shows, not only how the spell of military glory has been broken in France, but how wide a conception of what constitutes greatness has taken its place. It is doubtful if Americans would have shown so much intelligence and breadth of view in such a contest.

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*Dr. Henry M. Field*

Dr. Henry M. Field, whose death was announced last week, was the last survivor of a remarkable family. It is very rare for four brothers to occupy each so unique a place and render each in his own way so unique a service as the four brothers, David Dudley, Stephen J., Cyrus W., and Henry M. Field. The first developed, if he did not create, the scheme of a codification which has revolutionized law as a practical art if not as a true science in the State of New York and in other States which have followed its example; Stephen J. Field occupied an honored position on the Supreme Court bench, and ranks among the eminent jurists of American history; to Cyrus W. Field we owe the Atlantic cable, which has done more than treaties to bind the Old and the New World together and to make peace easy and war difficult; Henry M. Field takes rank as one of the foremost religious journalists of America at a time when the influence of denominational journalism was at its height, and by his personal ability maintained The Evangelist as a personal journal after personal journalism had almost ceased to be a force in America, and this victory he achieved by maintaining a denominational journal that was not sectarian and a personal journal that was broadly and generously human. His death came in the eighty-fifth year of his age, after a period of seven years of retirement from active life. Dr. Field was a true representative of Berkshire County, which has given many men of note to Massachusetts and to the Nation. He was not only a man of great intellectual activity, but of a very genial and companionable nature, a vivacious talker and an attractive speaker.

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## *The Executive and the Senate*

Government in the United States is divided into three Departments: the legislative, the judicial, and the executive. It is the function of the first to enact law, of the second to interpret law, of the third to execute law. On the careful maintenance of these Departments, which we have inherited from our ancestors and share with all free peoples, the preservation of our liberties depends. Whenever the three functions are united in one body, whether a single person like Cæsar or a Council like that of Venice, the inevitable result is despotism. The American people are right, therefore, to guard jealously any usurpation by one Department of the authority belonging to another Department.

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But the line between these Departments is not and cannot be sharply drawn. Each sometimes exercises functions which in an academic classification would belong to another. The appointment of officials is an executive function; but the courts appoint receivers who exercise very large powers. The enactment of law is a legislative function; but the President is explicitly authorized by the Constitution to veto acts of Congress and is instructed by the Constitution to recommend legislation. In passing judgment on patent claims, land claims, pension claims, and the like, the Executive Departments exercise judicial functions. The advice and consent of the Senate are required for appointment to office in a great number of cases, the Senate thus sharing with the President in executive functions; and in being made the sole judge of Congressional elections Congress is invested with judicial powers. Indeed, it is sometimes difficult to tell whether a particular function is executive, judicial, or legislative; the question how the Inter-State Commerce Commission is to be regarded was hotly debated by Constitutional lawyers in the Senate. Since, thus, these Departments do in a measure overlap, and since each Department does of necessity sometimes exercise functions which, strictly speaking, seem to belong to a different Department, it is not at all strange that questions should continually arise between the different Departments as to their respective rights and duties, nor that each should be jealous of real or fancied encroachments upon its peculiar field.

Recently this question has arisen between the Senate and the Executive in two rather important instances—the Brownsville incident and the withdrawal by executive order of certain lands from sale and settlement.

The Constitutional and legal right of the President to discharge enlisted men without trial appears to The Outlook to be unquestionable. The Statutes of the United States provide that "no enlisted men, duly sworn, shall be discharged . . . except by order of the President, the Secretary of War, the commanding officer of a department, *or* by sentence of a general court martial." It would be quite clear from the language of this statute that a court martial is not legally necessary in order to a discharge, even if there were no practice to interpret the statute. But there is such practice, which is thus summarized by the Judge-Advocate General of the United States Army, who cites in notes his authorities for his summary: "Although the engagement of the soldier under his contract of enlistment is for a term certain, the Government is under no obligation to retain him in service to the end of the stipulated period, and, under the authority conferred by this Article, may 'terminate at pleasure an enlistment without regard to the soldier.'" That the President was clearly exercising a Constitutional and legal authority in discharging the Brownsville battalion is no longer questioned by the Senate. Senator Foraker could not get that body to adopt a resolution to investigate the incident without first accepting as an amendment the phrase, "without questioning the legality or justice of the President." Whatever the Senate may do in the future, it does not now question the legality of the President's act. What business it has to investigate an act the legality of which it does not question it is not easy to see. Suppose the Senate should expel Mr. Smoot, and the President should thereupon appoint a Commission to investigate the facts respecting Mr. Smoot's connection with the Mormon Church—what would the Senators say to such a proceeding? Would their opposition be appeased by the President's declaration that he did not question the legality of the Mormon Senator's exclusion? In the Brownsville incident the Senate is clearly infringing upon the functions of the Executive, whose exclusive duty it is to determine whether the good of the service requires the retention or the discharge of the Brownsville battalion.

In the other incident the legal issue is equally clear, and, we regret to say, the motive for the action of the Senatorial Committee is clearer.

By acts passed in 1898, 1902, and 1906 Congress opened the Indian Territory to settlement, provided for the

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allotment of land to the Indians in severalty, for the reservation and leasing of certain mineral and coal lands, and for the sale of the land not allotted or reserved. The provision for such sale in the latest of these statutes was in the following words: "When allotments as provided by this and other Acts of Congress have been made, . . . the residue of lands in each of said nations, not reserved or otherwise disposed of, shall be sold by the Secretary of the Interior, *under rules and regulations to be prescribed by him*, and the proceeds of such sales deposited in the United States Treasury to the credit of the respective tribes." No time was fixed within which the sale must be completed. Congress had previously, in 1891, authorized the President to "set apart and reserve in any State or Territory having public lands bearing forests, . . . public reservations." The Secretary of the Interior has withdrawn from sale certain of the forest lands in the Indian Territory, instead of pushing forward the sale of all the lands as expeditiously as possible. He has done so avowedly only temporarily and until Congress can direct what action shall be taken.

In support of this withdrawal are cited the Secretary's definite authority to prescribe rules and regulations for the sale of the unallotted lands; the past action of the Department in many cases where executive action has been suspended by executive order to await Congressional reconsideration; the policy of the Government, already approved by Congress in its legislation authorizing withdrawal of forest lands from sale; a special request of the Department of Agriculture for the withdrawal of these lands; the importance of their withdrawal to protect lower lands from the disastrous floods which are characteristic of the Red River, along which great sums of money are being expended by Government in the construction of levees to protect the bottom lands from such floods; the report of a special Federal inspector, from the field, that the sentiment of the Indians, the judgment of their chiefs, and the opinion of the prominent men in the Territory, excepting only the lumbermen who were purchasing the allotted lands from the Indians, were favorable to the policy of forest reserve in the proposed area. These lumber interests appear to outweigh in the Senate Committee all other considerations, for the report presented by Senator Clark, of Wyoming, declares that the action of the Secretary of the Interior is illegal, but presents no argument whatever in support of this conclusion except the following sentence: "The agreement with the tribes and the act of Congress approved July 1, 1902, authorized and directed the allotments to be made as soon as practicable, and that law the Committee believe cannot be set aside, impeded, or nullified except by act of Congress repealing or changing the original statute."

A very conscientious boy once promised his father that at four o'clock he would surely water the garden. At a quarter before four a thunder-storm arose, and at four the rain was pouring down in sheets. The conscientious boy put on his rubber boots and his mackintosh, took an umbrella, filled his water-pot, and went out in the pouring rain to water the garden. That is not the kind of person Americans want for President. He is sworn to administer the laws faithfully—that is, in good faith. If, after a law has been enacted, new conditions arise or new facts are brought to his knowledge which make it clear that the execution of the law will be injurious to the public welfare and contrary to a public policy which Congress has already adopted, while delay in the enactment will imperil no public interest, good faith requires that he should postpone the execution and give Congress an opportunity to reconsider its action in the light of the new knowledge. This is what the Secretary of the Interior has done. His action, approved by the President, temporarily reserving from sale forest lands in the Indian Territory, was clearly Constitutional, and was apparently a necessary protection of the public interests against private rapacity.

In the Brownsville incident the Senatorial critics of the President are going outside their proper function in pressing upon the Senate an investigation into

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an act of the Executive, the legality and justice of which the Senate has explicitly said it does not question; in the land incident they are attempting to make an automaton of the Executive Department in order to promote private interests which the best expert judgment indicates to be injurious to the public welfare. The peril to the country is not from an executive usurpation of legislative functions; it is from a Senatorial encroachment upon executive functions. It is the Senate, not the President, that the country needs to watch.

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## *The Medicine for the Mob*

Nothing is more irritating than the tone of superiority in an ignoramus. The people of the South have had to endure a great deal of dogmatic counsel and even submit to authoritative commands from folk who knew nothing of the Southerners' problems. The effect of the so-called Reconstruction Period was not such as to justify complacent theorists.

Nevertheless, the problems of the South are the problems of the Nation. This is true not only because what concerns civilization in one section affects civilization throughout the country, but also, as has been proved by recent events, because conditions which have been acute in the South may arise in any section. The very fact that these problems are in the last analysis National should liberate every American who discusses them from the imprisoning spirit of condescension.

Race riots and lynchings are a product of imperfect, and sometimes unhealthy, social conditions. In another part of this issue a Southern lawyer and a Northern professor discuss the cause and the cure of these disturbances. Although the diagnosis and the prescription of one differ from those of the other, they agree in this—that the disease will not be cured by trying to prevent the symptoms. Mr. Alexander finds the disease chiefly racial and political. He contends that the negroes are an essentially inferior people; they have been treated politically as if they were not; a political system founded thus on a falsehood causes turmoil and confusion. Allow the people of the Southern States discretion in forming their political system, he urges, and the symptoms will cease. Proof: before the Civil War, when the negroes were excluded from the political system, they were docile and contented; now that they have a part in that system, they are turbulent and discontented; moral: let us, so far as the political (not the industrial) system is concerned, return to the conditions that prevailed before the war. This is the substance of Mr. Alexander's argument.

In considering this it should be borne in mind, first, that it ought not to be called "the Southern view." It is a view which many Southerners would hasten to disavow. Second, that it assumes several things that are controvertible; for instance, that the negroes are in a worse state now than ever before. Third, that the remedy it suggests would have no practical effect in those Northern States where lynchings and race riots have occurred. Fourth, that it supposes that a restoration of a former political system without a restoration of its concomitant industrial system would bring again that tranquillity which was insured by the industrial as well as the political domination of the whites.

Mr. Cutler attributes the disease to conditions which are much more general, less sectional, than those which Mr. Alexander cites. Analyzing the causes he mentions, we find them to be these: First, to some degree, but not largely, a faulty procedure in the courts; second, ill-trained and unfit court officers; third, inefficient and timid officers of the law, such as sheriffs and constables; fourth, the lack of an effective police for rural districts; fifth, and most important, unhealthy and immoral social conditions. The cure he suggests is greater responsibility in the selection of administrators of justice, the establishment of an adequate constabulary for the prevention of crime, and the cleansing of foul communities by the application of sanitary and social reforms.

In so far as the evil of lynchings and race riots is due to the existence of

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negroes in America, it calls for an intelligent treatment of the negroes' racial characteristics. The negro is a child race. In that sense it is inferior. Difficulties arising from such inferiority cannot be remedied by treating the negroes as if they were all racially mature; neither can they be remedied by repressing the negroes and making sure that their inferiority will be perpetual. They can be remedied only by instituting processes of education which will promote the progress of the race as a race, and then by rewarding those individuals who rise above the childhood level of their fellows. This is what most of the Southern States are doing.

In so far as the evil of lynchings and race riots is a consequence of imperfections in the machinery of government and disease in the social body, it calls for measures of governmental and social improvement. With such improvement, not only these but other disturbing symptoms, such as intemperance, vagabondage, strikes, diseases, and even such remotely connected troubles as railway accidents, will diminish.

The charge of the judge is ended. We leave the case to the jury—our readers.

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## *Ecclesiasticism vs. Christianity*

Dr. Goldwin Smith presents on another page admirably the contrast between the Catholic Church and the Papacy, a contrast which both loyal Catholics and Protestant critics never should but often do forget. To his presentation of that difference between the two we can add nothing; but it is legitimate to remind our readers that a similar difference, though sometimes in less striking manifestations, is to be seen in the history of the Church universal.

For Christianity and ecclesiasticism are not identical; they have often been real foes even when apparent allies. Indeed, there is some ground for saying that the spirit of ecclesiasticism has been the worst foe that the spirit of Christianity has had to encounter. Christianity is the liberty of the children of God, ecclesiasticism is the servitude of bondsmen to a bureaucracy; Christianity is a fellowship, ecclesiasticism breeds sectarianism; the inspiration of Christianity is charity and humility, the inspiration of ecclesiasticism is ambition and pride.

This contrast is most clearly seen in the most highly organized churches; but it is not confined to them. Dr. Goldwin Smith's object—to interpret the present conflict in France—required him only to indicate the conflict between Christianity and ecclesiasticism as it appeared in European history in the mediæval Church; but a complete history of that conflict would include the story of the Episcopal Church in the time of Laud, of the Presbyterian Church in the time of Knox, of the Puritan Church in the time of the Mathers, in truth of all Churches, past and present, Jewish, Greek Catholic, Roman Catholic, and Protestant, wherever the ambition for power and the aspiration for influence have been seen in contrast, if not in open conflict.

Ecclesiasticism crucified Christ in the name of religion; and it has never been more friendly to him since. Dr. Goldwin Smith's article, read aright, should lead the Protestant to regard with discriminating appreciation the spirit of Christianity in the Roman Catholic Church, and with inveterate hostility every manifestation of the spirit of ecclesiasticism in his own.

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## *Public Rights in Street Railways*

Students of questions of municipal government will read with interest an article, printed elsewhere in this issue of The Outlook, entitled "Private Rights in Street Railways." Professor Garfield, the author of this article, who, our readers will remember, is a son of the late President Garfield and a brother of Commissioner James R. Garfield, the incoming Secretary of the Interior, is a lawyer of attainments, public spirit, and of the highest character. For many years he was a resident of Cleveland, and his

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summer home is still in that immediate neighborhood. His well-known sympathy for all genuine movements in behalf of popular rights, his knowledge of the legal questions involved, and his intimate acquaintance with the community of Cleveland entitle what he has to say upon the street railway controversy of Cleveland to careful and respectful consideration. Nevertheless, while The Outlook is glad to present through the medium of Mr. Garfield's article the position and arguments of those who are arrayed against Mayor Johnson, in its opinion their arguments are not convincing and their position is not impregnable, for the following reasons:

On the surface the Cleveland conflict appears to be a local and temporary one in which the people on the one side are clamoring for cheap fares and a great street railway corporation on the other is struggling in the courts to preserve the just and reasonable rights of invested capital against the attacks of selfishness, envy, and demagoguery. In reality the conflict is very much deeper and more elemental. It is a pivotal battle in a great general campaign that is now going on in this country—a campaign which is to settle this question: Shall the streets of a municipality and the traffic thereon be controlled by the people of the municipality or by private corporations who have received from the people special and profitable privileges for the occupation of those streets?

A private street railway company, whose history in the past, however honorable it may be to-day under the management of Mr. Andrews, is admitted to be spotted with corruption, has controlled the streets of Cleveland; it has sought by the exercise of every expedient known to legal and financial skill to retain that control. It is inadequate to argue in defense of this corporation that its present managers are honorable and high-minded men, although this is undoubtedly a fact. The corporation is judged and condemned, not by its present character, but by its past record and by the unsavory history of street railways in this country for the last twenty-five years. The people of New York, Philadelphia, Boston, Chicago, and San Francisco have suffered too much from the lawless encroachments of the street railways, these cities have been too terribly burdened by municipal councils and State legislatures with unpaid for and perpetual franchises, they have been too exasperated by the obstacles thrown in the way of their obtaining even their commonest rights, to be much affected by Mr. Garfield's main argument. This is, as we understand it, that Mayor Johnson's record in the past as a street railway man is open to the greatest suspicion; admitted: that the consolidated railway of Cleveland is now managed by Mr. Andrews, who is a man of the highest probity and is a vigorous and consistent opponent of corporate and political corruption; admitted: that therefore the people of Cleveland ought to trust their interests to Mr. Andrews and his colleagues rather than to Mayor Johnson and his associates; not admitted.

The Legislature of Ohio, at the instance of private owners of street railways, has forbidden municipalities in that State to own street railways. No arguments can convince the average citizen that this is anything more than an attempt, in perfect harmony with the whole history of street railways in this country, of private capital to control the public streets. Mayor Johnson professes to believe in the public control of public streets; as an expert street railway man he asserts that street railways properly capitalized—that is to say, with the water squeezed out of the stock—can be run in Cleveland profitably at a three-cent fare. The consolidated company bitterly opposed the three-cent fare, and it is quite possible that with inflated capital they cannot pay dividends from a three-cent fare. The municipality could not, under a law passed for the benefit of the street railways, own its own tracks and lease the route to a company willing to charge only three cents. Mayor Johnson thereupon devised an ingenious scheme for providing the city with low fares and proper accommodations, and one which should at the same time conform to the law. He organized a new railway company and proposed to the city that if it would grant franchises to this new company it would be managed by a board of

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trustees who would act on behalf of the public as semi-municipal officers. These trustees, if they perform their duties as Mr. Johnson proposes that they shall, will bear the same relations to the people of Cleveland that the trustees of a museum, a hospital, a park, or a savings bank maintain. For our part, if we were citizens of Cleveland, we should say to Mr. Johnson, "This may be quixotic; it may be that, as an astute ex-street railway capitalist, you are trying to get hold of our street railways for your own personal profit; but you can't be worse than the Consolidated Road has been in some previous periods of its history; and if on trial you prove faithless to your promises and professions, we will deal with that question when it arises." This is practically what the people of Cleveland have done. They have indorsed Mayor Johnson and his plan on numerous occasions; and as the Supreme Court of the United States has decided that franchises which the Consolidated Road had been trying to prolong perpetually have in effect expired, that corporation has now practically given up its contest and is trying to make the best terms it can with Mr. Johnson. There is every prospect that Mayor Johnson's plan of a holding company, which shall administer the street railways at three-cent fares for the benefit of the people, will be given a fair trial. Citizens of New York who remember how the street railway managers of that city obtained the enormously valuable Broadway franchise in the days of "Jake" Sharp, how they maintained four tracks in Amsterdam Avenue against the protests of citizens and municipal officers, how different companies fought tooth and nail the introduction of such improvements as vestibuled platforms, the abolition of the steam locomotive, the introduction of the proper lighting of the cars; and Philadelphians, Chicagoans, and San Franciscans who know how their street railway managers have persistently opposed, step by step, the introduction of reforms or improvements, will feel that even the failure of Mayor Johnson to carry out the public trust which he has assumed will in no wise affect the general principle for which the people of the city of Cleveland have been contending—namely, the fundamental doctrine of municipal politics, that the public streets shall be controlled by the public.

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## *The Situation in Germany*

The German Reichstag was dissolved by the Emperor on the 13th day of December; under the provisions of the German constitution it was necessary that the election of members to the new Reichstag should be held before the 11th day of February, and that the Reichstag should meet before the 13th day of March. The elections took place on Friday of last week. The issue between the Emperor and the Reichstag was on the question of voting a supplementary appropriation for the conduct of the war in southwestern Africa, the expenses of which exceeded by a number of millions the original estimates. The Socialists, who, with the Centrists or Clerical party, numbered two hundred members in the Reichstag, united to defeat the appropriation. The dissolution was promptly followed by a sharp alignment of parties and a vigorous discussion of the issue, which at once took the form of a conflict between the Clerical party and the Government. It was declared by the supporters of the Emperor that the Centrists, or clerical group, represented an unpatriotic policy, were introducing into German public affairs a foreign influence, and were showing by the alliance with the Socialists that they were ready to join hands with any one who would forward their interests. Later the issue broadened, largely through the declarations of Chancellor von Bülow, and the battle was waged on the question of the colonial policy of the Emperor as a whole.

That policy found early definition in the mind of the Emperor, and has been growing more important and comprehensive in his mind and action from year to year. When William II. became Emperor, the Empire was in many ways in a very strong position, but without adequate means to support that position. With a sagacity and foresight with which

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even his bitterest enemies must credit him, the Emperor turned his attention to the commercial development of the country, and by the application of statesmanship to commercial conditions and problems, by a study of the resources of the country and their development, above all by a broad-minded and far-seeing alliance between education and science on one hand and manufactures and commerce on the other, Germany has come into the front rank of commercial nations. Part of the Emperor's plan has involved an increase of colonization for commercial purposes. It must be remembered that Germany has only two notable harbors on the North Sea, Hamburg and Bremen; she is hampered, therefore, somewhat as is Russia in freedom of access to the sea. The policy of the Emperor has been to develop the commercial power of Germany to the very highest point, to plant colonies in different parts of the world, and to secure space and freedom for growth. Whatever may be thought of the wisdom of this policy, it has been consistently followed at a very large expense, and the burden of this expense and the question as to the effect of the reaction of the policy on the German people have called into being a vigorous opposition.

The members of the Reichstag, which bears to Germany the same relation that the House of Representatives bears to the United States, are chosen by secret ballot upon a basis of direct universal suffrage. Every male person of twenty-five years may vote, unless disqualified by pauperism or active military service. The electoral districts are so arranged that every State in the Empire elects at least one representative. Originally each electoral district numbered at least one hundred thousand inhabitants, except in the smaller States. In thirty years there has been no change in this system, but there has been great growth, in the larger cities especially, so that striking inequalities of representation exist to-day. In proportion to its population, for instance, Berlin ought to have at least twenty members; it has six.

The Reichstag consists of 397 members. In the election four years ago three million voters stayed at home, which shows that this class of indifferent citizens is as well represented in the Old World as in the New. The Socialists captured seventy-nine constituencies, having increased the number of their members in every election for the past twenty years, and prophecies were freely made that the new Reichstag would include at least one hundred Socialists. There are still a number of re-elections to be made, but at present the Socialists have met a net loss of nineteen seats, and will probably number less than fifty in the new Reichstag. The party of the Center, or Clericals, which numbered one hundred and two in the last Reichstag, will probably number about ninety-five in the new Reichstag; the National Liberals, who numbered fifty-two, will probably have about seventy; and the Radicals, divided into two groups, who elected only thirty-six members in 1903, will now probably have more than forty.

The result of the elections, therefore, is a practical victory for the Emperor. The Government guns were turned on the Clericals, but they appear to have played havoc with the Socialists. The Clericals lose only five or six seats, but their alliance with the Socialists has very seriously diminished their prestige in Germany, while the loss of seats by their allies has turned the balance of power over to the supporters of the Government. A strong appeal was made to the voters who stayed at home in the last election, and their activity appears to have determined the result. After the second ballotings have been held and the new Reichstag has convened, the Government will undoubtedly secure the passage of a supplementary appropriation for carrying on its work of conquest in West Africa. Chancellor von Bülow must now keep himself in power by securing the co-operation of the National Liberals, the Radicals, and the Conservatives. The unnatural alliance of the Clericals and the Socialists has been defeated, and both the Emperor and the Chancellor have attained their ends in the dissolution of the Reichstag; but the task still devolving upon Chancellor von Bülow will demand his highest self-restraint, tact, and good judgment.



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# The Spectator

Kingston—poor, sorely afflicted Kingston—lying only a short night's run from Santiago de Cuba and offering a haven half-way between Havana and Ponce in Porto Rico, has of late years been threatened with an American invasion. Not long ago the Spectator was himself one of the invading horde. Unlike many West Indian ports, Kingston, it seemed to the Spectator, really invited the stranger to tarry and rest a while, although some of the towns on the neighboring islands were so crude and primitive that they clearly offered little more than quaint pictures and positive discomforts to a person venturing more than the briefest visit of inspection.

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The commercial relations between the United States and Jamaica would alone be sufficient to arouse the keenest interest in the Kingston catastrophe. The Boston Fruit Company has established itself on the north shore of Jamaica, and, with its regular steamship service, is the leading business venture of the place. The industry is carried on in a broad American way which has made a fearful and wonderful impression on the natives, black and white. They speak of the Boston Fruit Company as Americans do of the Standard Oil.

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The use of brick as a building material was strikingly more common here than elsewhere in the West Indies; brick walls and brick houses looked very substantial compared to mud huts and flimsy frame dwellings. Window-panes of glass were also frequently seen—were, in fact, almost universal in the better houses. One might almost say that these two luxuries differentiate Jamaica and English colonies generally from those of other nationalities. The Kingston homes all had front yards full of flowers and shrubs. The hibiscus plant seemed to enjoy local approval if not admiration, for it was here considered a utility plant like cabbage or cotton, its local alias being "shoeblack," and prejudice ran so strongly in its favor that the Spectator greatly doubted if any recommendation or advertising would launch with profit a legitimate polish on the Kingston market.

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It was a great satisfaction to start on a country drive in any direction and feel absolutely sure of perfect roads, smooth and hard as park boulevards, but more verdant and picturesque than any park drive could possibly be. Kingston was well supplied with hacks—"buggies" they are called in Kingston—at seventy-five cents an hour, and the horses were better than they looked. There was also a car system with a belt line making a circle of the town and passing most of the large buildings that have been reported destroyed, including the two hotels best known to Americans—the Park Lodge, and the Myrtle Bank Hotel, which resembled a red brick factory building, but which overlooked the water and was exceedingly habitable and airy.

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The Spectator undertook one morning to find some characteristic souvenirs of his visit, and drifted into a little sweetmeat shop on Harbour Street—a kind of tropical delicatessen store. There was Jamaica ginger for sale, of course, but most of the other preserves had quite unfamiliar names—cocoa plums, guava dolce, mangolina, cashew apple, tamarinds, cherimelias, nasberries, grenadilla. The pickled dainties sounded quite as interesting if less inviting—calabash, chippolata, and turtle eggs. There was a Woman's Exchange, called, of course, Lady Somebody's Industrial Bureau, where a few odd things were found—fiber doilies, filmy as cobwebs and really exquisite; but the market-place merchandise was more varied and surprising. There were tiny fagots of sweet-smelling twigs, pottery lamps, coal-pots, chickens for sale alive with their feet tied and doves sprawling on banana leaves, grapes, grapefruit, shaddock, mandarins and tangerines galore. The turtle-shell shops were filled with a great variety of articles made of the beautiful transparent shell. Turtle soup, indeed, passed simply as a by-product, and the

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Spectator turned from it gladly to chilled watermelon on those hot February days!

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The Jamaican market women are quite beyond compare. On Saturday morning one could see them trooping into town, a stalwart procession of mammies, all of them quite black and most of them ugly, cleanly dressed but barefoot, tramping erect with their baskets on their heads. The Spectator had heard of the incredible distances these women walked to barter their dozen oranges or hand of bananas for a fish or a kerchief, and had refused to believe the twenty-mile yarns, as they seemed, but he soon verified these claims by his own observation. The railway, by which he was making a comfortable excursion, ran parallel to the highway on which the negresses were forging along, market bound. Mile after mile he watched them from his car window—a healthy, happy, stupid-looking set, stepping smartly along with that pronounced swing of the hips that comes of carrying burdens on the head.

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Sunday morning sweeps a British community—and the stranger within its gates—into the sanctuary. The big edifice of the Church of England was packed, and its packing was mostly black—a neat, self-respecting, earnest congregation. There were a few whites in the choir, but the procession of choir-boys was all black. There were some whites in pews of their own, and a few odd whites, like the Spectator, in pews with black neighbors, all one before the face of the Lord. The service was intoned, and the mellow negro voices were remarkable in the chants and responses

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The Spectator remembers the Kingston park with delight. Hope Gardens is a lovely spot, and a most valuable botanical station into the bargain. There were patches of test plants, seedlings of new varieties, slips to be tried in various localities; and all the flower-pots were transverse sections of bamboo stalks, artistic, glossy, and cheap where the rustling, crackling bamboo is so plentiful. There was a fine orchid house and a more charming orchid avenue where air-plants and orchid boxes hung from the trees. Here to the Gardens comes the holiday crowd on Sunday afternoon—negroes and well-starched negresses, white colonials with more than British lack of "chic," and showy zouaves with their best black girls. The Spectator had seen a company of these soldiers swing by at the Up Park Camp, and what a picture they made! One white man in command, the rest all black as the ace of spades. They looked ready for a fancy dress ball or a light opera chorus drill, gaitered and turbaned and bloused, a rolling cloud of scarlet and white. There was no more rollicking dash in the West Indian color scheme than the black zouave soldier man, and the Spectator hoped that the War Office in London would make no such fetish of common sense as to declare in favor of khaki for Jamaican troops.

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In the little Kingston museum the Spectator saw an iron frame or human cage, a rough device for torturing and squeezing a person to death. The cage a few years ago was washed to the surface after heavy rains. Its story is unknown, but it is not hard to reconstruct it in the light of early West Indian history—the expulsion or annihilation of the Caribs and the Arawaks by the explorers, the settlers' own fierce rivalry among themselves in their greed for gold, their fiendish brutality toward imported slaves. The Spectator has been thinking a great deal about that cage during the past week or so. As one dire report after another has brought the news of fire and flood and earthquake, his mind has pictured the iron instrument of torture, with all the horrors it symbolized, horrors gross and wanton, the coarsest form of man's inhumanity to man, and has turned with some degree of patience, if not with peace, to the suffering and loss that have come through the orderly working of some stern law of nature after which we may make bold to grope.

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# PRIVATE RIGHTS IN STREET RAILWAYS[1]

BY H. A. GARFIELD

*Professor of Politics in Princeton University*

THE Cleveland Traction struggle, as described by Mr. George S. Sikes in The Outlook of November 17, hardly inspires one with hope for the American city. The reader is led to believe that Cleveland is engaged in a struggle with a corporation which seeks by every means short of direct bribery to wrest the control of the streets from the people, that Mayor Johnson is entirely disinterested in his opposition to this attempt, and that, if he is beaten, public utility corporations everywhere will be encouraged to strive for the mastery.

The allegation of selfishness and greed made against the Cleveland Electric Railway by Mr. Sikes, and the inference that even under the leadership of a man as principled against bribery as Mr. Horace E. Andrews, President of the company, is conceded to be, the profit-making street railway corporation still finds it in its soulless heart to worry and browbeat the public, and block all attempts of the city administration to carry out any constructive programme whatever, are condemnatory of the American policy of private initiative as the best means of securing equal opportunity to all before the law, so far, at any rate, as public utilities are concerned.

Mr. Sikes's study of the Cleveland situation leads him to conclude that the advocate of regulation and control must consider himself beaten, and that the only salvation for the American city lies in eliminating the private corporation and extending municipal functions so as to include the ownership and operation of street railways. Scarcely has Mr. Sikes's article appeared when the value of his conclusion is seriously disturbed by a decision handed down by the Common Pleas Court at Cleveland, on a demurrer by the city to a petition filed by the Cleveland Electric Railway.

The Court held that "the relations which Mayor Johnson sustained toward the city and toward the street railway enterprise were in direct antagonism. As Mayor of the city he was officially a party to the several contracts with the railway company, and fidelity to the city forbade his being personally interested, directly or indirectly, in the welfare of the company, in the obtaining of privileges from the city. That he was so interested the facts here admitted can leave no doubt."

The following were the facts found by the Court: Mayor Johnson "conceived, initiated, and promoted the whole scheme of building and operating a system of three-cent-fare railways in this city. He procured a Mr. Green to make application for a grant from the Council. He procured the Council to make two successive grants to Green. He procured the incorporation and organization of the Forest City Railway Company, and then procured Green to assign his rights to that company. He procured the Council to make further grants to that company. He assumed secondary liabilities for payment of rails, cars, and other equipments for the road. . . . He procured the incorporation and organization of the Municipal Traction Company, to which the road has been leased." The Court also found that Mayor Johnson had joined in a written undertaking indemnifying subscribers to the Forest City Railway stock against loss, and agreeing to purchase their stock within a fixed period at the option of the subscribers.

The principle invoked, and against which Mayor Johnson has offended, is well stated by Judge Phillips, who rendered the decision. He said: "In the whole realm of jurisprudence no principle is better established or rests on a firmer foundation than the one which forbids one occupying a fiduciary relation from pledging himself in any degree

[1] See editorial comment on another page.—THE EDITORS.



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in antagonism to his trust. A public officer is one to whom is delegated some of the sovereign functions of government, to be exercised by him for the public benefit. He acts only for the public; and the public are represented, in this instance, only by him; and the theory upon which his acts bind the public is that his acts have the public sanction, because they are exclusively in the interest of the public."

Mayor Johnson cannot expect the public to suspend judgment until the facts are formally proved at the trial of the case, because he has already furnished a statement over his own signature which is conclusive. During the month of June, 1906, the printed prospectus of the Forest City Railway was issued. In it was published a letter from Mayor Johnson, in the course of which he said: "I have in the past a number of times, when requested, become liable as surety on bonds and guaranteed the payment of obligations of the Forest City Railway Company. . . . I shall do all in my power to further the success of the Forest City Railway and the Municipal Traction Company. . . . This enterprise shall have my hearty support, and I confidently invite the support of the public, both as citizens and investors." This statement ought not to have escaped the attention of Mr. Sikes. It acknowledges the existence of a relation obviously antagonistic to the city's interest, as the Court has since declared.

The conflict is not, then, between the city and the Cleveland Electric Railway, but between that company and the Forest City Railway. The former of these, the old company, desires to maintain its control of the streets, but refuses to buy the privilege. The new company seeks to displace the old, and relies on the Mayor for success. All the vast powers of the office of Mayor have been arrayed against the old company, and the man who, for the time being, is intrusted with the exercise of those powers is financially interested in the company he supports. Manifestly, this is not competition, and it is in violation of the rules governing the conduct of public officials.

Mayor Johnson's relation to the Forest City Railway is a sufficient explanation of his opposition to President Andrews's request that the offer of the Cleveland Electric Railway be submitted to popular vote, and of the Mayor's undue haste in tearing up the tracks of the old company in the face of the Court's injunction, in order that the tracks of the Forest City Railway might be laid; it gives weight to the opinion, frequently expressed in Cleveland, that Mayor Johnson will consent to no settlement with the old company which fails to provide for the Forest City Railway; it vitiates every grant to the three-cent-fare enterprise, and defeats the usefulness of the non-profit-sharing plan devised by Mayor Johnson and his associates.

Because the Mayor of Cleveland is financially interested in one of the companies included in the so-called holding company plan, the city is made party to an experiment which, though lawful to private individuals or companies, is clearly beyond the scope of the powers of an Ohio municipality. To the inquiry whether a municipality should be permitted to enlarge the scope of its powers or otherwise modify a policy duly and constitutionally prescribed by the State Legislature for the government of cities the answer is obvious. Yet this is in effect what Mayor Johnson, with the cooperation of the City Council, is undertaking to do. Consistently, from the beginning, the State of Ohio has adhered to the policy of leaving the development of transportation facilities to private enterprise. Cities have not been permitted to own or operate their street railways. By refusal to pass bills granting such permission, the Legislature has declared for the policy of regulation and control and against the policy of municipal ownership.

Understanding the limitation thus imposed upon the city, Mayor Johnson and his associates, by means of a non-profit-sharing holding company, seek indirectly to reverse the State's policy, and involve the city in the street railway business. As stated by the Vice-President of the Municipal Traction Company in a letter laid before the City Council last August, they seek "to make of the city a full partner in the enterprise." To this proposal Mr. Johnson and the

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members of the City Council raised no objection. On the contrary, they have on many occasions expressed their entire accord with it, and have voted grants to the Forest City Railway in furtherance of the plan.

Mayor Johnson's friends reply hotly to this line of reasoning. In effect, they protest against the application of the rule that public officials may not do many of the things permitted to private citizens. On the theory, "No matter what you do if your heart be true," they brush aside Mayor Johnson's interest in the Forest City Railway as of no importance. It was entered into with a right motive, they say. But men's motives must be judged in the light of their conduct, and the lawlessness displayed by Mayor Johnson casts a doubt upon the claims of his friends.

The whole difficulty arises out of the Mayor's financial interest in the Forest City Railway. It is this fact that gives reality to the proposed "partnership," and would in effect involve the city in the street railway business. The case would, of course, be different if the stock of Mr. Andrews's company were held by the Municipal Traction Company, because the Mayor has no prejudicial interest either in the Cleveland Electric or the Municipal Traction.

It is in this direction that hope lies. On the 7th of January the Supreme Court of the United States handed down a decision which was both a victory and a defeat for Mr. Johnson. The Court held that the franchise of one of the branch lines of the Cleveland Electric Railway had expired, but refused to permit the city to take possession of the rails, poles, and other property of the road necessary for its operation. The inconvenience to the public which would have resulted in stopping operation on this branch altogether, and the necessity of opening negotiations for the purchase of the rails, poles, and wires, presented an opportunity to reopen the whole question for settlement. The contending companies therefore agreed to suspend hostilities for thirty days. During this period the old company agrees to charge only three cents on this branch line, and to allow the Forest City Railway to run its cars into the public square over the tracks of the Cleveland Electric Railway, it being expressly provided that if at the end of the thirty days no settlement is reached, the Forest City Railway will at once cease operating its cars over the tracks of the Cleveland Electric, and that each party shall stand exactly where it stood prior to the 11th day of January, which was the date of the agreement.

On Monday, the 14th of January, the old company addressed a letter to the City Council, saying that while it still believed that its offer of seven tickets for a quarter and universal transfers was best for the city, it realized the people's desire to have the question settled, and hence was willing to confer, with a view to leasing its property to the Municipal Traction Company under the holding company plan, at the same time reiterating its belief that the property cannot be efficiently operated on a three-cent cash fare basis. The Council received the letter, and Mr. Du Pont, President of the Municipal Traction Company (controlling the Forest City Railway), was authorized to negotiate. It is generally conceded that the chief stumbling-block in the way of settlement is the price at which the property may be acquired by the city, if at any time the Legislature reverses its policy and permits municipalities to own the tractions.

I have no disposition to detract from the credit due Mr. Johnson for his determined fight for lower fares. My whole contention rests upon the method he has pursued—a method not only discreditable in itself, but which has, I believe, unnecessarily postponed a settlement of the question. Furthermore, we should not lose sight of the fact that if a settlement is reached, the Forest City Railway will have to be taken care of, and that the roads cannot for a long time to come be actually operated on a three-cent cash fare basis. I do not mean to associate these two facts as cause and effect, but as important items which one may be tempted to lose sight of, if called upon to applaud Mr. Johnson for winning a "three-cent fare victory." We ought to hate unfair fighting even in a good fighter.

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# Race Riots and Lynch Law: The Cause and the Cure[1]

## *I.—A SOUTHERN LAWYER'S VIEW*

*BY HOOPER ALEXANDER*

*Of the Georgia Bar*

ALTHOUGH comment has been abundant on the subject of the race riots which occurred in Atlanta in September, the fact seems to have wholly escaped observation that they indicate the advent of a new phase in the negro problem. What is called lynch law has been so prevalent in the entire South of late years, and the phenomena of lynch law and race riots are, on the surface, so very much alike, that they have been confused in the public mind. The truth is that they are quite distinct and spring from different causes.

Lynch law is generally provoked by some specific crime, and is simply an effort to inflict extra-legal punishment on the wrong-doer. A general state of criminality among the negroes was in some measure, perhaps, the immediate provoking cause of the Atlanta outbreak, but the rioting did not in any sense spring from any particular crime, or any purpose to punish crime, and was a mere series of brutal and murderous assaults on every negro in sight, without reference to his guilt or innocence, and was nothing more than a symptom of racial animosity.

Outbreaks of a similar character have occurred during the past few years in a number of Northern cities, and this has not been surprising, because there never were in the North any old ties of association and kind memories between the races to mitigate the natural antagonism of species. In the South, however, the surviving but diminishing residuum of good will that has come down from a former era has heretofore sufficed to prevent such indiscriminate brutalities.

Aside from the fact that the Atlanta incident probably marks the turning-point of the balance between the old and new influences, it is the more ominous because the acts of violence emanated from the wholly irresponsible elements of society. Lynch law, so called, has been, in the main, administered by men of at least comparative prominence in their several communities—men who at least believed they were establishing order, and so discharging a public duty. The Atlanta riot was wholly wanting in responsible leadership, was lawlessness pure and simple, with no redeeming motive, and sprang from an unmitigated race hatred. There is in the community an instinctive but undefined apprehension that the affair is the beginning of a graver era in the development of the negro problem.

There are more negroes in Georgia than in any other State. The State is admonished by the census that they are moving southward into her borders in increasing numbers. Georgia will in all probability be the center of the theater in which the settlement and solution of the negro question will have to be worked out. In Georgia, therefore, the subject can be studied to better advantage than elsewhere, because Georgia is typical of all the South. It cannot be studied without a broad view of the historical aspects

[1] In President Roosevelt's recent Message to Congress special stress was laid upon four subjects as of vital and paramount importance. Under the title "The Problem of Enormous Fortunes," a discussion of the inheritance tax by Philip S. Post was printed in The Outlook for January 5; "The People and the Corporations," by Judge Grosscup, appeared in The Outlook for January 12. The third of these four subjects is here treated in two articles. The fourth, "The Income Tax," will be discussed by Mr. Post in the near future.—THE EDITORS.



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and successive stages of the question, passing by the petty animosities and less important matters that have at every period beclouded and concealed the larger movements.

The presence of the negroes in Georgia is attributable chiefly to the commercial and State policy of England during the seventeenth and eighteenth centuries; next to the navigation interests and commercial policy of her maritime colonies in America; and lastly to the individual desires of a small minority of the Georgia colonists themselves, and the complaisance of a few others who, as citizens, would have opposed the introduction of slaves, but were willing to take individual advantage of a practice that had the sanction of authority. The majority of the people of the colony, and afterwards of the State, were opposed to the introduction of negroes, either bond or free, and their sentiments were, as far as possible, reflected in their legislation.

The fundamental principles underlying the legislation of Georgia, both as a colony and a State, were, first, that, no matter whose fault it was, the negroes were here and that their presence raised a condition with which it was necessary to deal; second, that the negroes were incapable of self-control, and, *a fortiori*, of self-government, and unsuited to become a constituent part of organized society; third, that, both for their good and for the good of society, it was necessary to govern and control them—with such measure of kindness, indeed, as was possible, but, in any event, with all necessary firmness. The resultant system was a sort of patriarchal or feudal government operating within an organized democracy and restrained and supervised by it. The system thus evolved differed in many important particulars from a pure slavery, and was much milder and more humane, but was commonly known as the institution of domestic slavery. The designation was perhaps as accurate as could be expected, but the name was misleading.

Whether domestic slavery was or was not the wisest and most humane system that could have been worked out to meet the situation, it represented the best judgment of which the people of Georgia were capable under all the circumstances, and was at least an improvement on the former condition of the negroes in Africa, as well as upon their original enslavement prior to the recognition and regulation of slavery by law.

At the time of the abolition of the system, the negroes in Georgia were an unusually law-abiding people, highly trained in the elementary knowledge of productive industry and skilled in handicraft, and a peculiarly happy and cheerful race. Their docility under the system was considerable, and the virtues of personal affection and fidelity were more marked among them than among any other race or people of any age. They were in the receipt of a substantial wage of labor, paid mostly in kind, but larger in value than was then paid to labor in most countries, and by law were in receipt of old-age pensions. There were some hardships incident to the system, but on the whole the negroes were content.

During the first six decades of the nineteenth century there grew up in the Northern States a considerable opposition to the Southern system, the causes and growth of which need not be here examined. Intense sectional animosities resulted, which brought on civil war, at the end of which the Northern opinion prevailed, and domestic slavery was abolished by force of arms, together with the incidents of its allied code.

Without any useless caviling over the wisdom or unwisdom of this policy, the people of Georgia reluctantly but sincerely acquiesced in the result, and themselves prohibited slavery by Constitutional enactment, assenting also a little later to a similar amendment to the Federal Constitution.

The abolition of the system left the negro without any established legal status. In this condition of affairs, it was the judgment of the people of Georgia that some kind of new status should be established, conforming, indeed, to the edict of emancipation, but still predicated upon the original theory that the negro was unsuited for citizenship, must of necessity be controlled kindly but firmly, and that he should, both for his own and the common good,

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be assigned to some subordinate position of tutelage defined and established by law. What sort of system would have been evolved if the people had been permitted to work out the problem for themselves is by no means clear. As a matter of fact, however, the entire subject was withdrawn from their jurisdiction, and the task was undertaken by the dominant section operating through the machinery of the General Government.

The fundamental principles underlying the work done by the Northern States were exactly the opposite of those previously acted on by Georgia. It was assumed as a basic doctrine—first, that the negroes were capable of self-control and self-government; second, that they were suited for co-equal citizenship under the laws and institutions which the people of Georgia had worked out for themselves; third, that of right they should be incorporated into the body politic as an integral part thereof, and that such course was not only wise, but necessary for the protection of the negroes; and that it was further necessary to compel the State to bestow the franchise of suffrage on the new element. These views were crystallized into the Fourteenth and Fifteenth Amendments to the Federal Constitution.

After forty years' experience under the new system, the situation of the negro is not satisfactory, and the consensus of opinion in the South is that it is worse than it was under the old system. As a productive unit, the negro has neither the skill nor the industry for one-half his former productive capacity. As a race the negroes have become idle, ignorant, irreligious, and criminal. There is among them a steadily growing hostility to the people and government of Georgia. They enjoy exact justice in the courthouse, but really receive less actual protection from the law than in their former status. The aggregate wage received by them is less than formerly, and their old-age pensions have ceased. The increasingly sharp competition of white labor and the increasing indisposition of the negroes to do steady work have already narrowed their possible field of activity, and will do so further. The former joyousness of the race has wholly disappeared, and has been superseded by a customary moroseness, with intervals of joyless boisterousness.

The personal affections growing out of the old patriarchal system have in the natural order of things almost entirely disappeared. There was an aggregate affection and attachment between the races, growing out of the personal relations, which was not quenched even by the interventions of the reconstruction period. This also is passing away and being superseded by an increasing antagonism which promises to aggravate the situation.

Atrocious crimes committed by negroes on helpless women and children, and other crimes almost as grave, provoke with increasing frequency summary extra-legal punishments. Very recently, as in the Atlanta riots, a tendency has appeared among the less responsible classes to inflict indiscriminate violence and murder upon peaceable and innocent negroes, in a way similar to outbreaks that have occurred in Northern cities where there never were any personal ties between the races. These conditions are of course very dangerous to organized society, and tend to produce a decline in public and private morality.

The people of Georgia have not until recently felt or shown any inherent personal or racial animosity toward the negroes. They do object and have always objected to the negro as an equal and a citizen. Language employed by Mr. Toombs in his Boston lecture on the 24th of January, 1856, and similar language used by Mr. Lincoln at Charleston, Illinois, September 18, 1858, so exactly describe the attitude of the people of Georgia on the subject as to warrant reproduction here.

Mr. Toombs said:

> I maintain that so long as the African and Caucasian races co-exist in the same society, the subordination of the African is its normal, necessary, and proper condition, and that such subordination is the condition best calculated to promote the highest interest and the greatest happiness of both races, and consequently of the whole society; . . . that the white is the superior race and the black the inferior, and that subordination, with or without law, will be the status of the African in this mixed society, and, therefore, it is the interest of both and especially of the black

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race, and of the whole society, that this status should be fixed, controlled, and protected by law.

Mr. Lincoln said:

I will say, then, that I am not nor ever have been in favor of bringing about in any way the social or political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they can not so live, while they do remain together, there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race.

The present system was a mistake. It attempts the impossible, and has produced the evil consequences of the present day because it is founded upon an elementary premise that is false. The present conditions have constantly been foreseen and foretold by nearly all the Southern people. It is also now foreseen that they will become a great deal worse; and, so long as the disturbing cause persists, it is difficult to see how any human authority or code can correct the increasing evil. It is, therefore, the duty of the dominant power in the United States to re-examine the original premises and correct the error. The only possible way to make the correction will be found, upon examination, to be in striking from the Federal Constitution the Fourteenth and Fifteenth Amendments, leaving the question of the negro's status and government, as it was left by the founders of the Republic, in the hands of the people of the several States, to the end that authority may co-exist in the same hands with responsibility.

The correction of the error by Constitutional amendment will be very difficult, for the reason that one-third either of the House or Senate or one-fourth of the States can prevent it. Nevertheless, if an overwhelming public sentiment should demand the correction, it will probably be made by judicial decision. It is undeniable that neither the Fourteenth nor the Fifteenth Amendment was put into the Constitution in the way pointed out by that instrument for its own amendment. Both were revolutionary enactments accomplished by revolutionary methods, and, while the Supreme Court would no doubt uphold them in the present condition of public sentiment, it is entirely likely that it would not do so if public sentiment realized the imperative necessity for getting rid of them and cried out against the methods by which they were adopted. The Court has never yet been called on to consider the question of their validity.

The people of Georgia are entirely capable of governing the negro effectively, and without any failure either of kindness or justice, and will do so when permitted, protecting him in life, liberty, and property, and eventually restoring him to a condition of morals and industry as good, and an enjoyment of the personal virtues as complete, as were his in 1865. There is no trouble whatever in so doing, and the only reason it is not done lies in the fact that there has been withdrawn from the people of the State a certain and a necessary part of their originally reserved autonomy. When that is restored, they can and will promptly take up the task and work out a solution.

If the negro continues to remain in America, this reform will come about, because it will have to come. Conditions will grow so much worse as to challenge the common sense and humanity of the country and override all obstinacy of opinion by forcing on the civic conscience a recognition of its imperious necessity. Nevertheless, it is highly probable that the reform will be so long delayed as to force upon the people of Georgia the necessity for adopting some expedient for temporary relief against conditions which will otherwise become morally intolerable.

So far as concerns the evils entailed by the Fifteenth Amendment, the evolution of such an expedient has already progressed far enough to indicate the general character it will take on. The so-called "Grandfather" constitutions are no essential part of the system, though they constitute a very important adjunct as a sort of outer fortification to fall back on in any temporary emergency.

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They have in themselves a potential rather than an actual value as a factor in the problem. The reliance of the people for actual use is in the institution, not yet perfected anywhere, but more highly developed in Georgia than anywhere else, known as the white primary. In its essence and philosophy the white primary is a State within a State—not a legal or official government, and not supported by any sanction of law, but, none the less, the real government of Georgia, in fact, the State. It is as complete a protection against what is called "boss rule" as can be devised, preserving a genuine democracy among the people of the State, and at the same time absolutely and completely excluding the negro from participation in the government, and by methods which are beyond the possibility of criticism as violating either the Constitution or any statute.

While it was more immediately necessary thus to devise a highly evolved supplementary governmental system for escaping the evils of the Fifteenth Amendment, it is, in the ultimate outcome, even more important to the peace and stability of the State to work out a method for legally and peaceably escaping the consequences of the Fourteenth. Thus far its operations have been productive of violent and extra-legal attempts to mitigate the evils entailed by it—attempts wholly unpremeditated, except in the case of the Ku Klux, and not co-ordinated into any system—just as, in the first two decades after the Civil War, the suffrage amendment produced sporadic violence and varying illegal methods for controlling elections, until a system was finally worked out for its complete nullification by perfectly legal methods.

The Fourteenth Amendment, being in its nature largely self-executing, will be much more difficult to escape from by legal methods than the Fifteenth. Nevertheless, all experience teaches that evils of such magnitude as have been brought about by this attempt to incorporate an impossible element into the body politic are certain in time to produce their own remedy, just as the stomach will throw off unwholesome food or nature encyst a foreign substance embedded in the muscular tissue. It is quite likely that the remedy finally worked out will be analogous to the white primary; that is to say, some sort of purely voluntary government within a government will be developed. It may possibly be connected with the white primary system, by some sort of unofficial white legislative body, operating through the voluntary consent of its constituents, and so regulating and directing their conduct, upon strictly legal principles, as to bring into play through them a strong individual persuasion on the negro race in connection with contractual relations.

The possibilities of such a plan in the hands of a capable people are almost limitless. And the people of the Southern States have more skill in the science of government and more of the genuine spirit of democracy than any other people on earth.

## *II.—A NORTHERN PROFESSOR'S VIEW*

### *BY J. E. CUTLER*

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THERE exists, unquestionably, a conviction, which is widely held, that the *lynching* of a suspected criminal is never right and never really justifiable, no matter what the circumstances. It must be admitted, however, that this conviction is most widely and most firmly held in those sections of the country where conditions are such that occasions for lynching rarely arise; elsewhere it has barely strength enough to find a feeble and ineffectual utterance as an aftermath of lynchings—there is practically no effective power in it for the prevention of lynchings. A public opinion that merely condemns lynching in the abstract, or, owing largely to remoteness, condemns the practice without real knowledge of the circumstances and conditions which foster it, avails little.

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The task to be accomplished, therefore, is the development of an intelligent public opinion, in all sections of the country, which shall condemn absolutely and unequivocally the practice of lynching, and at the same time shall have the wisdom to profit from the experience of the past and the foresight to accept and act upon the dictum that prevention is better than cure. There are several measures, preventive of lynchings, for the adoption of which the support of public opinion may be sought with some degree of confidence, and which may therefore be regarded as practicable.

One other test of practicability must not be overlooked, however. Any measure that is preventive of lynchings must be applicable to local conditions. A lynching in its inception is a purely local affair. Every occasion for a lynching is the direct outcome of conditions which have come to exist in a single community. Lynchings do not occur simultaneously at a number of points in a given section of the country as the result of some common factor to be found in the social conditions prevailing over that area. The extent to which the genesis of lynchings is local in character is revealed by a study of the distribution of lynchings by counties in those States where the greater number has taken place in the last twenty or more years. It has been commonly assumed that the presence of the colored race, because of the nature of the crime which negroes are believed frequently to commit and the resulting racial animosity, is alone responsible for the occurrence of lynchings; but no distinct correlation can be traced between the distribution of lynchings and the percentage of negroes in the population. It is only the proportion of whites lynched to negroes lynched that seems to bear any relation to the proportion between the white and colored elements in the population. No tendency is shown for the percentage of lynchings to increase where the percentage of foreign-born in the population is large. Neither does the degree of illiteracy, as shown by the census, have an appreciable influence on the distribution of lynchings. Measured by the test of the percentage of illiterates in the population, it may be said that lynchings are not confined to backward or degenerate communities. Neither are lynchings confined wholly to any one section of the country. Only New England has escaped altogether from appearing in the record in recent years, although there have been threatened lynchings in this section—notably one on the night of October 17, 1904, when "rum-crazed" Henry Boles, living at 88 Bolyston Street, Brookline, Massachusetts, shot and killed his wife, and also killed a popular and fearless policeman, the threatened mob violence being prevented only by the prompt arrival of a patrol wagon and a squad of policemen. And there have been whippings and other forms of corporal punishment administered by White Caps—notably on the night of February 14, 1906, when a band of White Caps took a man from a house in Granby, Connecticut, and, with some violence, escorted him over the State line into Massachusetts, a proceeding in which a deputy sheriff took part, who, by his own confession, was "a member of the 'bouncing' party as a private citizen and not in his capacity of sheriff," confident that he "understood the sentiment of Granby." "Prosecute me? Well, I ain't afraid of it. I tell you the people glorify in what was done. I ain't the only man that is willing to say that he was in the party."

In the consideration of what is practicable for the prevention of lynchings, therefore, at least two tests of practicability should be kept in mind—first, the extent to which the proposed measures can enlist the support of public opinion, and, second, their applicability to local conditions, the extent of their serviceableness to local districts, to communities as such.

Some writers and public speakers have urged specific changes in the judicial procedure, such as, for example, the abolition of the right of appeal in criminal cases. This change has been urged in the belief that the courts give so much weight to mere technicalities that, through the exercise of the right of appeal, justice often is, if not entirely defeated, at least flagrantly delayed and perverted. To the ordinary private citizen the

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courts often seem to be much more concerned about conformity to precedent and stated rules of procedure than about the administration of justice, speedily and effectively, in particular cases; and it is quite impossible for members of the legal profession to convince laymen that technicalities have not, in the administration of the criminal law in this country, all too frequently, and indeed unnecessarily, defeated the ends of justice. It is true that the lawyers criticise the jury system, and point out that the average juryman in the criminal courts cannot be depended upon to render a just and discriminating verdict. Undoubtedly a higher grade of citizenship is demanded in the jury-box. Men of character and standing in the community should be less frequently excused from jury duty. But this is aside from the point under consideration. A prominent excuse for lynching is the law's delays and the uncertainty of the result of legal procedure, for which there is, it is admitted, some basis in fact. Must the right of appeal in criminal cases, therefore, be abolished, or some other equally radical change in legal procedure be brought about, in order to invalidate this incentive toward lynching? Such a measure, if adopted, would probably overreach the desired end; its effect would be so far-reaching as to produce unforeseen consequences, more undesirable, perhaps, than the delays and uncertainty that now exist. Furthermore, public opinion is not likely to support such a measure. Nothing less than full opportunity to every man accused of crime to prove his innocence, if he is innocent, will satisfy public opinion.

The truth of the matter is, the basis for the complaint of the law's delays and uncertainty is to be found, not in any radical defect in the established code of criminal procedure, but in the low professional standard of the criminal lawyers and the legal incapacity, the utter incompetence often, of the prosecuting attorneys and trial judges. In the course of most criminal trials it is apparent that the defendant's counsel seeks, if he cannot secure an acquittal, to obtain in one way or another adequate ground for an appeal to the higher courts. The more desperate the case—the more evident it is that the accused is guilty of the crime charged—the greater the effort on the part of the defendant's counsel to secure a basis for an appeal; that is his only hope of ultimately winning the case. Whether he succeeds or not in his purpose depends upon the ability, the legal knowledge, and the skill of the prosecuting attorney and the judge on the bench, officers into whose hands the people have committed the duty of determining justice and meting out punishment. The records of the appellate courts furnish abundant evidence of the fact that the ability of the bar is inadequately represented in the office of prosecuting attorney and on the bench of the trial courts. There is urgent need in this country of a speedier conclusion to trials, and of criminal courts which will command greater respect and confidence on the part of the citizens; but the responsibility for improvement should be placed where it belongs, that is, on the people themselves. Abler prosecuting officers and judges can remove from the law much of its delay and uncertainty, and it behooves American citizenship to see that only men of the highest standing at the bar shall occupy these responsible positions. It is time to recognize the absurdity of putting comparatively incapable and inefficient men into office for the purpose of conducting the trial and punishment of criminals, and then of complaining that the ordinary judicial procedure is so open to delay and uncertainty that criminals must be dealt with by summary and illegal methods for fear that justice may miscarry.

Numerous cases might be cited in illustration. Reference need here be made only to three cases, all of which have attracted general attention, and one of which is in marked contrast to the other two.

It was on December 30, 1903, that the whole country was shocked by an unparalleled loss of life at a theater fire, and by the evidence of the criminal violation of law which had been permitted in Chicago. A year later there appeared in the editorial columns of the Chicago Tribune (the issue of December 31, 1904) the following comments: "When Judge

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Kersten spent a week hearing arguments with regard to a change of venue in the Iroquois fire cases, something was wrong either with the Judge or with the system under which he was obliged to work. Justice was frivolously delayed, the time and money of the State of Illinois were squandered, and a feeling of suspicion and of disrespect for law was fostered among the people of the city of Chicago. . . . When a whole year passes after such a catastrophe as the Iroquois fire and neither acquittal nor punishment has been secured, the people are justified in demanding that their judges, their lawyers, and their legislators bestir themselves in the direction of change and improvement. If improvement does not come, the judges may expect themselves to be held responsible for a condition which they now attribute to the system." Not until the latter part of January, 1906, was it even decided that the manager of the burned theater must go to trial.

In New York City on September 23, 1900, an aged millionaire died from poison which had been given him with murderous intent. In April, 1901, Albert T. Patrick was indicted for the murder, and at his trial was found guilty and sentenced to die in the electric chair in the week of May 5, 1902. Numerous appeals and pleas based on technical errors were then brought forward from time to time, with the result that the sentence remained unexecuted for more than four years, until on December 20, 1906, Governor Higgins commuted the death sentence to life imprisonment.

In contrast to these two cases, the history of the Tucker case in Massachusetts is worthy of note. Charles L. Tucker was arrested for the murder of Mabel Page April 9, 1904. On June 9, 1904, the Grand Jury found an indictment against him. Six months later he was brought to trial by a prosecuting attorney of marked ability before a carefully selected jury, and, chiefly on circumstantial evidence, he was convicted of the crime. Tucker's counsel at once filed a motion for a new trial, which motion was denied. Thereupon his counsel filed various exceptions to the rulings of the presiding judges. These were considered by the supreme judicial court of the Commonwealth and were overruled. A second motion for a new trial was then made by his counsel. This motion was likewise overruled January 22, 1906. An application for a writ of error was then made to the Supreme Court of the United States. This application was also denied. Finally an appeal was made to the Governor of the Commonwealth. In his decision, rendered after an exhaustive investigation and after highly commendable deliberation, Governor Guild used these words: "Neither, therefore, on the ground urged that the verdict was unwarranted by the evidence, nor on the ground usually urged, can I interfere with the execution of this just sentence. Every citizen must sympathize and sorrow with this unhappy man's afflicted family, but of more importance than the life of any one citizen is the protection by government of the life of every citizen, is the safeguarding of woman's chastity in the lonely farm-house as well as in the patrolled streets of the city, is the assurance to the people that the ordered action of their courts is to be respected, and that irresponsible agitation cannot be substituted for law and order in this Commonwealth." The sentence of death was carried into execution but little more than two years after the crime had been committed, and the forces of law and order were immeasurably strengthened in the Commonwealth of Massachusetts by reason of the ability and conscientious work of the men whose duty it is to administer and execute the law.

The right of appeal in criminal cases need not necessarily be abolished, nor other radical step taken of a similar nature, in order to secure expeditious trials and inspire greater confidence in the work of the criminal courts. A more careful and a wiser selection of men for the offices of prosecuting attorney and judge will bring about the desired result without any radical change in the code of criminal procedure. The system should not be blamed for the inefficiency of the men selected to carry it on. An effort may wisely be made in every judicial district in the country to improve the personnel of the judiciary and to main-

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tain for it a higher standard of efficiency, and this is a practicable measure that will be preventive of lynchings.

In every community where the white and the colored races live in close proximity an intelligent, conscientious, and efficient judiciary is indispensable. When crimes are committed that cross racial lines, as is often the case, the difficulty of securing an invariable observance of due process of law is greatly increased. Nowhere is there a greater demand, nowhere a necessity that is more urgent, for wisdom and intelligent action on the part of the judiciary than in those sections of the United States where there are strong racial contrasts in the population. Likewise there is need, under such circumstances, of men who are efficient and conscientious in the discharge of their duty, to control that part of the legal machinery which has to do with the apprehension and protection of suspected criminals. Numerous cases of lynching have evidenced a criminal neglect of even ordinary duty on the part of sheriffs and constables. In a number of cases, too, where there has been some reason for doubting that the person lynched was guilty of the crime charged, the authorities have made not the slightest effort to apprehend the real culprit and fix beyond the peradventure of a doubt the responsibility for the crime.

By far the most important measure, however, that is practicable at the present time for the prevention of the lynching of negroes is a wider exercise of the police power, with the end in view of controlling the criminal elements in both races and preventing the commission of crimes likely to excite lynchings. If men and women are permitted to live in generally unwholesome and immoral surroundings, criminal tendencies will become dominant and crime will result inevitably. Many cities contain negro sections which are utterly neglected and may rightly be characterized as breeding-places of crime. What has happened at Springfield, Ohio, and at Springfield, Missouri, within the last two years is sufficient proof of the folly of this let-alone policy. In both these cases the inevitable has happened: negroes committed deeds of violence which aroused a spirit of vengeance in the community, and mobs quickly formed, which, after lynching the individuals suspected of the crime, went through the negro quarter of the city, burning and destroying property and terrorizing the inhabitants—"cleaning out" the district, it was called. The effects of such occurrences do not cease with the restoration of order and outward tranquillity through the calling out of the militia; a rankling animosity is felt long after the departure of the troops. The preventive means to be employed are streets open to the sun by day and studded with arc lights by night, close surveillance of saloons, dance halls, and disreputable resorts, model tenements, no overcrowding—in short, the strict enforcement continuously of all the sanitary, public health and public welfare regulations in the negro quarter as well as in other sections of the city. There should be no excuse whatever, no shadow of a justification, for such raids and such orgies of "cleaning out" by mob violence as have taken place at Springfield, Ohio, and Springfield, Missouri.

In many rural districts in the South the criminal element among the negroes is large. Professor Du Bois, of Atlanta University, has made the positive statement that at least nine per cent. of the country black population in the Black Belt are thoroughly lewd and vicious. If crimes are to be prevented and the virtuous protected from criminal attack in such districts, only an efficient and thoroughly organized constabulary police force can bring it about. Several of the Governors of Southern States have been able to use the State militia effectively to prevent threatened lynchings, as, for instance, at Roanoke, Virginia, in February, 1904, when Governor Montague ordered out a large body of militia from Richmond, Petersburg, Lynchburg, Suffolk, and other towns, and sent them to Roanoke by special train to protect a negro prisoner who had entered the house of a white man and made a fiendishly brutal assault on his wife and little daughter. Under the protection of the militia a jury was empaneled and the perpetrator was tried and sentenced, within a few hours, to be hung on a date

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six weeks after the crime had been committed. Obviously, however, it is impossible to use the State militia to prevent the commission of a crime such as the one that threatened a lynching at Roanoke. The establishment of a constabulary system of patrol and protection in many districts in the South seems to be a practicable and most desirable measure, and certainly it is one that will be preventive of lynchings. In this connection the experiment which Pennsylvania is making with a State constabulary, organized for the purpose of maintaining order in the mining region, may be watched with interest and doubtless with much profit.

The racial discrimination involved in many of the anti-lynching measures that have been proposed is a fatal objection to them. In employing a wider and fuller exercise of the police power for the prevention of lynchings, racial discrimination may be entirely avoided. Afro-Americans, newly arrived immigrants, native whites, all who inhabit those sections of a city in which conditions are such that crime is fostered, and which are a menace to the welfare of the community, may receive the same and equal treatment with advantage to the community. In the rural districts of the South the work of a constabulary force need not be confined to the control of the criminal classes among the negroes alone. The end always to be kept in view is the control and improvement of conditions which are a menace to a community, which tend to make life and property unsafe, and which at the same time promote racial antagonism and lynchings.

For the prevention of lynchings in this country neither additional legislation directed specifically against lynching, nor any very radical change in the established code of criminal procedure, is seriously needed. The great preventive and reforming force is an opposing public opinion, intelligent, active, vigilant, and effective. American citizenship is confronted with a crucial test of its quality and its wisdom, of its capacity to meet, more adequately than in the past, the exigencies of existing conditions and the civic responsibility which our form of government requires of the citizens.

## *THE SHIP THAT COMES*

*BY MARY BALDWIN*

Oh, the ships that come and the ships that go,
Bearing their burden of weal or woe!

And some sail far 'neath the wide world's rim,
And faint grows the heart as the ship grows dim.

But the ship of hope that goes down to the sea
Gives eyes and ears to the heart of me—

A tiny craft with a trembling sail,
Pale as a moonbeam, gossamer frail,

Fearlessly following God as a star,
For trackless the paths of Eternity are;

My heart through the mist of the evermore drawn
On and on to a coming Dawn,—

To a coming dawn, to a full-tide sea,
And a little new Life safe anchored by me.

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# THE CHURCH QUESTION IN FRANCE

## BY GOLDWIN SMITH, D.C.L.

THE Catholic religion is one thing, the Papal theocracy is another. From what is now passing in France, in some measure also in Spain, there is reason to surmise that the liberation of religion from the Papal theocracy may be at hand. It seems strange that the distinction between the religion and the theocracy, being as it is of the highest importance, should not have been more clearly seen. The Catholic religion, with all its special doctrines and features, its sacramentalism, its sacerdotalism, its asceticism, its belief in miracles and relics, is the religion of the post-Apostolic times, of the Latin Fathers and the Latin Church, down to the eleventh century, when the ambition of Hildebrand, taking itself for spiritual aspiration, founded the Papal theocracy, a power not the less temporal or the more moral in that it was based, not directly on force, but on religious superstition which placed force at its command.

Christianity, going forth to convert human nature into the image of its Founder, encountered adverse influences of different kinds: that of Paganism, in the way both of persecution and of infection; that of Alexandrian metaphysic, which framed and imposed the yoke of dogma; that of Eastern asceticism, which perverted the ideal of character; that of Byzantine imperialism, which entailed bondage to the power of the court and subjection to intolerant legislation. But the most fatal of all the influences in its consequences was the theocratic.

Marked as was the ascendency of Gregory the Great in the sixth century, there was on his part no claim or visible desire of the temporal power. Head of the Western Church, its center, and its best protector amidst the cataclysm of barbarian invasion, the Bishop of the Imperial city naturally was; and his authority would be all the greater because it was not, like that of his rival at Constantinople, overshadowed by the presence of the court. But his authority was still spiritual; not temporal. If, while he denounced as an impious assumption the title of Universal Bishop, he showed a tendency to claim universal pre-eminence, it was ecclesiastical pre-eminence alone. If he rebuked a minister of the State for misuse of power, it was not as a civil superior, but as Ambrose had rebuked Theodosius for the massacre at Thessalonica. If he, very wrongly, and to his great discredit, applauded the usurpation of the empire by Phocas, it was in the general interest of the Church, and there mingled with his approval no note of a suzerain's confirmation. Of the city of Rome a Pope was naturally the temporal ruler. But his title came simply from the need of a local governor and protector. Over missions, such as that of Augustine in England, he would of course exercise plenary authority, without, however, supplanting or overriding that of the Saxon King.

From Hildebrand really dates the claim to temporal power, with all its fatal consequences to the Church and Christendom. In the mind of that aspiring and stony-hearted monk was begotten the idea of a theocracy; that is, of an autocracy, temporal, but founded on superstition, putting the powers of the world under its feet by its anathemas, and using them as the agents of its despotic will. A celibate clergy cut off from domestic affection and gentle influences was the well-chosen instrument of such a power. It is strange that historical philosophy should be prone to regard with complacency the ascendency of superstition as an influence more moral than force; when in fact it is more profoundly immoral, and moreover always has to suborn force as the instrument of its designs. Charity may plead that



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Hildebrand was so far self-deluded as to believe that his dominion was the ascendency of the spiritual over the carnal, and of the authority of God over that of the powers of the world. But of what crimes and calamities has self-delusion not been the source?

To establish the supremacy of the spiritual power over the powers of the world, and inaugurate the kingdom of God, Hildebrand allies himself with the piratical Normans, who, combined with a contingent of Saracens, come to Rome for his protection and fill the sacred city with massacre and ruin. In Germany, to put the Empire under his feet, he stirs up rebellion and civil war, the commencement of a train of the same calamities brought on with the same motive by heirs of his aspirations. He shows himself the true successor of the meekness of the Founder of Christendom by trampling on the vanquished Emperor at Canossa. He bestows his blessing on the buccaneering invasion of England by William the Norman, and his sacred banner is carried by the invader at Hastings. One of his successors sanctifies the Norman invasion of Ireland, proclaiming it as a well-established truth that all islands are the property of the Holy Sea, while he reserves to himself the suzerainty, with an annual tribute. Hildebrand would have made himself suzerain of England. But for this his Norman accomplice was too strong. With the weak John another Pope succeeded better, making himself for the time suzerain of England and drawing from her a feudal tribute, to which was presently added an enormous appropriation of her ecclesiastical patronage and revenues. A Papal excommunication of the authors of the Great Charter was an incident of the struggle, and presents itself as a text for those who imagine that Papalism was an antidote to feudal oppression. The Papacy got on very well with Philip II., with other despots, and with despotism in general, however oppressive, in after times.

In the case of the Norman and Hildebrandic invasion of England real Christianity was not without a witness. Guitmond, a monk, and Gulbert, a Norman knight, refused to share the booty; the monk saying that he would as soon touch fire.

A Pope could, on occasion, appeal to the people through his creatures and agents, the mendicant orders. But it was to get help for himself, as he effectually did, in his struggle with the higher political powers, not that he wanted to elevate or did elevate the people.

The False Decretals of Isidore and the fictitious grant of Constantine, palmed upon the Christian world, were congenial title-deeds of theocratic usurpation.

The consequences followed: civil war after civil war in Germany to put the Empire under the Pope's feet; the extermination, with hideous massacres, of free thought in the South of France under the fanatic and brigand de Montfort; similar massacres in other districts; the Inquisition, burning fifteen hundred victims in Spain in a single reign; Alva's tribunal of blood in the Netherlands; the massacre of St. Bartholomew, hailed with ecstasy and glorified by Rome; the institution of the Order of Jesus, strangely misnamed, as the intriguing pioneer of Roman ambition, a part which the Order is still playing.

What was the theocracy in France, the present scene of the struggle? We see the pious Francis I. and his court showing their loyalty to Rome by witnessing heretics swung in chains over the fire. At a later date a "Council of Conscience" is sitting at Versailles. At its head is the King, a notorious adulterer. Present are Louvois, the ravager of the Palatinate, the Jesuit Père La Chaise representing the Papacy, and Harlay de Champvallon, Archbishop of Paris and Primate of the French Church, the profligacy of whose life is notorious and is the theme of epigram. This Council decides, for the greater glory of God, to break the solemn covenant with man embodied in the Edict of Nantes, under which the Huguenots worshiped in peace. There follow the Dragonnades. The worthiest and most industrious people of France are visited with a persecution as cruel as any ever inflicted by paganism upon the Christians; their worship is suppressed, their churches are destroyed, their homes are rifled, their pastors are sent to the galleys; such of

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them as are driven into exile are forbidden to take their children with them. Everything, says the French historian Martin, was permitted to the soldiery saving rape and murder, and even that restriction was not always respected; many victims died or were maimed for life in consequence of the treatment they had undergone, and the obscene tortures inflicted on women differed from the last outrage only in refinement of cruelty. All the diabolical inventions of the brigands of the Middle Age to extort gold from their captives were in some cases renewed to enforce conversions. The persecutors put fire to the feet of the victims, racked them, hung them up by their extremities. They tied young mothers to the posts of their bed while their sucking infants writhed with hunger. Leading men were thrust into noisome dungeons, in one of which died a brother of Bayle, not without consequences to the murderers. (See Martin, "Histoire de France," XIV., 50.)

For none of this was Christianity, or, rightly speaking, the Catholic form of it, to blame. Spiritual Christianity was all the time struggling in different places and in various forms—some of them, it is true, rude, wild, and fanatical enough—to get loose from the theocracy and worship God in its own way. The discontent seldom slept which in the end produced Savonarola, Huss, Jerome of Prague, and Wycliffe. Witness was borne to Catholicism as Christianity by such characters as that of the author of the "Imitation of Christ," afterwards of Blaise Pascal and Fénélon; as it has been in our own day by the opponents of the Jesuit and of the Council of Rome.

As a great light of morality the Papacy has never shone. The Popes, generally speaking, were men whose passions had been chilled by old age. Yet the lives of some of them, such as John XXIII. and Alexander VI., were very bad even on the throne. Italy, in which the Papacy had its seat, was more eminent in art and culture than in virtue. Ambition of the most worldly kind actively engaging in all the intrigues and plottings of Italian politics, not seldom in wars, was a curious representation of the Founder of Christendom. An Italian, native or by adoption, the Pope, as a rule, had, and still has, need to be. Christendom is universal; Catholicism is universal; Papalism, a temporal power though pretending to be spiritual, is Italian.

The corruption of the Curia and the whole Papal administration was notorious, and the history of Thomas à Becket tells us that it had commenced in the twelfth century. The nepotism was shameless. The jubilees and dispensations by which the Papacy swept enormous sums of money into its coffers were worse than naked bribery or peculation, worse than the exactions of feudal kings or barons, because they profoundly falsified the conscience of Christendom. The nepotism adorned Christianity with the character and career of Cæsar Borgia.

That it was through the Church that in the feudal age men of lowly birth rose to commanding positions is true; but through the Church it was, not through the Papacy. Nor was feudalism much tempered by their rising. Unfortunately, when they had risen they became agents of Papal obscurantism and for centuries kept back the intellectual and scientific progress of the world. It was at Rome that Galileo was condemned as a heretic. In the flower market of Rome stands the statue of Giordano Bruno, there burned for foreseeing the age which now erects to him that statue.

Italy, the seat of the Papacy and the center of its influence, was in fact rather more pagan than Christian. A grand product of mediæval religion was Gothic art, through the works of which, cathedrals and churches, it still has a powerful hold on the religious world. But in Italy Gothic art was comparatively weak. There is scarcely a relic of it in Rome. The theocracy showed its character when it pulled down the Catholic Basilica and reared in its stead St. Peter's, a magnificent product of classic art, but alien to Catholic religion. How, indeed, could Leo X. have performed his ceremonial in a Christian fane?

The Papacy may say that it led Christendom in the conflict with Islam. It did, but with equivocal results. The leadership was senile, unsteady, passion-

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ate rather than politic, crossed and marred by ecclesiastical ambition. The Empire would probably have done the work better. The behavior of the Papacy to Frederic II. was insane. Papal pretensions divided the forces of Christendom and fatally prevented effectual aid from being lent to the Eastern Church at Constantinople against the Turk.

Credit is claimed by the Papacy for having upheld the sanctity of marriage. Innocent III. did forbid his enemy, Philip of France, to change his wife, but he had not forbidden John of England, on plea of consanguinity, to exchange a lowly for a higher marriage on his succession to the throne. Napoleon was allowed to put away Josephine and marry an Austrian princess, though his marriage with Josephine had been repeated with full ecclesiastical forms at the special instance of the Pope. The Pope, it is true, was in duress at the time, but he must have known what his priests were doing. Never was divorce easier than it was when the theocracy was at its zenith, under the pretense of dissolution of marriage on the ground of consanguinity or pre-contract, for the class who could afford to pay their fees.

The State Church of France was wrecked in the Revolution. It was restored as a necessary complement of political despotism by Napoleon, who was himself absolutely without religion and in Egypt had affected conversion to Islam. In return for this the Pope goes in person to crown Napoleon shortly after the murder of the Duc d'Enghien.

Against the French Republic the Papacy, represented by the Jesuit and the Ultramontane priesthood, has been carrying on a standing conspiracy. More than once the Republic has been brought to peril largely by its machinations. The present measure is one, not of religious persecution, but of political and social self-defense. In the Syllabus, the latest manifesto of the Papacy and the Jesuit, with general antagonism to religious liberty, freedom of thought, and the spirit of a liberal and scientific age, there is a distinct assertion of the claim of the Church to temporal power.

Lord Acton, a devout Catholic to the end of his days, said of the Council of Rome, which gave infallibility to the Pope, "We have to meet an organized conspiracy to establish a power which would be the most formidable enemy of liberty as well as science throughout the world." "The scheme adopted by the Council," he says, "makes civil legislation on all points of contract, marriage, education, clerical universities, mortmain, even on many questions of taxation and common law, subject to the legislation of the Church, which will simply be the arbitrary will of the Pope." "Most assuredly," he adds, "no man accepting such a code could be a loyal subject or fit for the enjoyment of political privileges." Most assuredly, with Lacordaire, Montalembert, and all that body of Catholics who seceded or stood aloof from the Ultramontane and Jesuit Council of Rome, Lord Acton would now be on the side of the State and the civil government of France.

"A speculative Ultramontanism separate from theories of tyranny, mendacity, and murder, keeping honestly clear of the Jesuit with his lies, of the Dominican with his fagots, has not yet been brought to light," so says the good Catholic Acton. Nor is it at all likely that such an Ultramontanism will be found. But Catholicism, such as Acton's was, existed for centuries before Ultramontanism or the theocracy, and when rid of it, as it seems now not unlikely to be, may again play its own part and do whatever is in it to do for Christendom and mankind.

We in Canada have just had a specimen of theocratic influence dividing the citizen's allegiance in the shape of the "Autonomy Act" of the last session of the Canadian Parliament, forcing sectarian education in the interest of the Papacy on the new Provinces of the Dominion. The measure, clearly against the bent of our constitution, was dictated by an emissary from Rome, and was floated through the Canadian Parliament in company with a large increase of sessional indemnities and a number of pensions, and a salary for the leader of the Opposition.

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# LAST CHANCE GULCH TO-DAY

BY JACOB A. RIIS

THE sun was setting on an autumn day in the closing year of the Civil War, when two weary miners came out of the foothills of the Big Rockies and halted on the brink of a small stream, where the mountain gorge opened into the wide plain. They had come far and were tired. All summer they had roamed through the hills with a party of prospectors who were now scattered over many miles, searching for the gold that was known to be there, but without luck. It was getting late; the winter snows were not far away, grub all gone. It was high time to strike for the trading posts on the Missouri, or the settlements in the Bitter Root Valley, unless to the privations of the trail were to be added the risk of being snowed in and starvation. Their eyes swept the prairie at their feet moodily, following the course of the brook.

"Here," said the older of the two, throwing down his pack—"here is water; let us try our luck. It is our last chance."

The name thus unconsciously bestowed became famous forever in the history of placer mining. That of the miner is long forgotten. No one knows what became of him or his comrade. But Last Chance Gulch became synonymous with vast, delirious wealth. Forty million dollars in shining gold was dug out of the bed of that mountain stream. From east and west greedy hordes poured in. Before the winter's snows melted, flour in the camp that had shot up in a night, as it were, was a hundred dollars a sack, in gold. Greenbacks by the fistful could not buy a square meal. It was gold, gold, and for a while the supply seemed unlimited. Every foot of the gulch was turned over; every pan of the black sand down under the pebbles and loose rock came up heavy with the yellow metal. Only the other day a contractor digging a cellar in Helena came upon a square yard that seemed never to have been disturbed—the gold-diggers had strangely overlooked that—and took it home in his cart to wash it over. That cartload, that might have been tossed up on the dump with the rest but for his prying eyes, panned out thirty-five dollars. But the end was reached with the gulch. The source of all the wealth, which men sought with straining eyes that never saw the blush on the mountain brier or the glory of the autumn woods, was never found. At least so they say in Last Chance Gulch. It may be that they are wrong and that they have found all there was to find. A mining engineer with whom I traveled east told me of another explanation than the one of which the gold-seekers dream—a vast bulk of pure gold from which the drift in the brook had been chipped. Water, he said, under very heavy pressure does not turn to steam, but remains as it is, superheated, and in this condition has the power to dissolve and carry minerals, which, upon issuing into the open, it at once gives up, depositing gold or silver or other metal that it has picked up on its way. And so it may be that the brook itself was the mine, the repository through ages and ages of the slow distillation of those steep hillsides. And men need seek no further. Who can tell?

The city of Helena, the capital city of Montana, stands squarely over the golden gulch to-day. The main street follows its course, the Gold Block marking the spot where the two miners of the sixties threw down their packs and started in to try their luck. Just below it the tiny stream mumbles yet on its way in the bed the mines gave it back. Public-spirited citizens are urging the city to make a little park on its banks, so that Last Chance Gulch may not become a mere memory to the generation that is growing up. Of the rough camp the last traces vanished long since, but of the early pioneers a few remain, grown old, but with the fires of the dauntless frontiersman burning yet under their bushy eyebrows. I spent the most



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interesting hour I can remember with Judge Cornelius Hedges, the same who, in the seventies, with a company of soldiers, led a party of explorers into the unknown region a hundred miles to the south, whence reports of burning springs had been brought for years by Indians, and found the Yellowstone wonders; then, when his companions proposed to exploit them for private gain, had the courage and the patriotism to insist upon the Government taking the region in hand and making of it a National park forever. The old Judge chuckled long and silently when I asked him about his practice as a lawyer in those days. And then he told me of the first lawsuit in Last Chance Gulch.

The council of miners had adopted an ordinance making it law that a couple of logs laid across a lot would hold it for ten days. Within that time the squatter must make good his claim. A man's logs had been moved and the claim taken up by another. The first comer sued him for trespass.

The trial aroused great interest. The entire camp took a holiday and crowded into the shanty where the "Squire" held court. Over night another lawyer had come in on the stage, and Hedges and he strove mightily over the evidence, each doing his best for his client, till the Squire got hungry and adjourned the trial for supper. The crowd betook itself to the saloon across the way to discuss the case. But the miners had grown tired of the new sensation. They were busy making money and could not afford the loss of another day, yet they felt that they must see the case through. Various propositions were made to settle the case, and when a motion was jumped to put the lot up at auction and divide the proceeds between the lawyers, who had both done well, it was carried with a shout, as just and fair. The lot was sold on the spot, and brought seventy-five dollars.

"We were satisfied," said the Judge with a wink, "but the Squire got mad for being left out, and wanted to have both the parties to the suit up and fine them for contempt. But I told him he could hardly do that. You see, he didn't know much law."

Sterner days followed, before an ordered and orderly community grew out of the wild camp, when respect for law had to be taught at any cost, and leaders came from among the people to shoulder that task, and its responsibility too. The calm statement, when the authorities had let three crooks go for a bribe, "We will try these men in a miners' court," was notice that the days of lawlessness were over, and, as the event proved, they were. But now and again the logic of the rope had to be employed. It was after Montana had a Governor, an Irishman, that a notorious evil-doer was sent to jail. He had been a Fenian, and his friends got at the Governor when he was in a jovial mood and made him pardon him out. The fellow took the stage for Helena; but runners had gone ahead with the news, and the vigilantes met the stage on the way, took the man out, and hanged him with the Governor's pardon in his pocket, taking first the precaution to indorse the document: "If he [the Governor] does it again, we will hang him."

"And the Governor?" I asked.

The Judge nodded: "He thought it over for a while, fumed some, but decided to let it go at that. Those were hair-trigger days."

In company with Randall J. Condon, a New Englander who, as Superintendent of Instruction in Helena, has left his stamp on the community to its lasting good—Judge Hedges is another old Yankee—I drove up the gulch, miles and miles, almost to its beginning in the very heart of the Rockies. Only a little way ahead of us rose the continental divide between East and West. Once well out of town, the gulch lay just as the gold-diggers had left it, all its soil turned over in regular heaps that looked like nothing so much as rows of graves. And graves they were, of dead hopes and ambitions; for though many grew rich here, more found their hopes turned to ashes. And I am not so sure that they were the only ones, that there are not other things buried here by those even who found pay dirt and made it pan out. For there is that about gold-digging that blots out all else and makes of life a mere gambling game against

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fate, eating the soul out of the man and narrowing his horizon to the crooked gorge and its rocks and gnarled trees. So it seemed to me as we drove up and up, passing gaunt and silent shapes toiling away at their drifts in the gathering twilight. They did not speak as we passed, and when spoken to answered in monosyllables, with a nod and a wistful look, that the "dirt" in the shaft was "looking up." They did not seem ever to be looking up, out of the gulch.

These are the successors of the early gold-seekers, who drive shafts, trying to wrest their secrets from the hills. Of the placer miners' tribe but a single representative is left—Old Jerry, who, despite his seventy years, yet pulls his windlass and twirls his pan as deftly as the most skillful in days gone by. The whole story of Last Chance Gulch is in the old man's face, and his faith is yet unshaken that some day he will strike it rich. One day last summer he walked into the office of his friend Mr. Condon and announced that he had come to make him an offer. He guessed the office of School Superintendent was more bother than it was worth, and, as he had sized Mr. Condon up as a likely chap, he would give him half of his claim if he would chuck up his job and join him in the hills. The Superintendent has the offer under advisement yet.

But the sun has set upon the day of the Jerries and their kind, and it will never come back. Capital has entered the gorge, expecting no such dazzling returns as the prospectors of old, but making a business of gold-mining and getting a fair return. Steam-engines puff and shriek among the hills; above Jerry's claim hydraulic rams are battering down the rocks in a giant "wash" the like of which not even his wildest dreams could have conceived; and the Missouri has been dammed twelve miles away that power might be brought in to run a stamping-mill with its big mechanical "pans" in which the gold is caught by quicksilver and held until the chemist's wand sets it free. Man's mind has followed the cruder method of the hand, and with it much of the human interest, the individuality, has gone out of things. Yet Last Chance Gulch is better off today than forty years ago when the world went wild over it. Better even with its graves, over which the brier rose creeps once more, trying to hide with caressing touch what is buried there.

It was clear when we left Helena, with only our light-weight overcoats and a single bear-skin robe, in the open buggy. We had been so absorbed in the gulch that we hardly noticed the twilight coming on and turning to dusk. A light snow had begun to fall, that made the darkness less obtrusive. Now, of a sudden, we woke up to the fact that we were far in the mountains, fifteen hundred or two thousand feet above Helena, and in the heart of a chilling cloud that settled about us like a cold, wet blanket. We turned, but the snow, that fell in great white sheets by this time, had blotted out road, brook, graves, and all, making a white blur of the landscape. Happily, the gorge was narrow and our horse knew the way. It was well, for the cold grew sharper fast, and the snow stung our faces like needles. I was chilled through, and as I sat waiting to be tumbled into the brook any moment, it occurred to me that my old wish to die like a wounded animal, on a rock in the woods, when my time came, was not all I had thought, sitting by the warm fireside. It was the difference between profession and practice again. I rubbed my spectacles and glanced at Mr. Condon. To my utter surprise, I found myself riding beside a snow-man that seemed to have been standing out in a sleet-storm all night. Great snowballs depended from his mustache; his fingers were frozen to the lines. But when I shouted "Santa Claus," he yelled back that I was another. And so I was. Just then we came, at an abrupt turn, into the shelter of a hospitable hill, and the temperature went up with a bound. The horse was racing down the steep, and soon, to our great relief, the first electric light of the town made a blur in the storm that had followed us down.

So ended what had proved a real adventure in Last Chance Gulch. Its old luck had once more come uppermost, and been ours. But I think it would have taken a hammer to break the ice on our coats when we got out of the

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buggy. It was like armor. I know now how the knights of old felt who had to carry it around, and my fervor for the old days went down several pegs, with my preference for the backwoods as the place to lay my bones.

# LESSONS IN CRIME FIFTY CENTS PER MONTH

## BY A NEWSPAPER READER

IT is safe to say that no newspaper proprietor out of Bedlam would set the above announcement at the head of his paper; but if the law compelling goods to be accurately labeled goes into effect, some variant of it will probably have to be used, not only on the so-called "yellow" papers, but on all the daily and weekly publications served by the Associated Press. Attention is asked to the following extracts, clipped during one month from one newspaper—one of the best in its State, claiming to be the best in six States—and comprising only those items of news that gave specific directions for committing the crimes reported. There was ten times as much educative material for would-be lawbreakers, that any one not feeble-minded or insane would interpret by the very act of understanding what was done or attempted; but in these several cases the lesson in crime was patiently and lovingly unfolded and explained, so that any one so caring to do could add it to his or her repertory.

### STRANGER'S VISIT PROVES COSTLY

[September 18]

This begins: "Stephen A. B——, of — Broadway, has told the police of a new dodge, by which he was relieved of fifty dollars late yesterday afternoon." Here follow minute directions for "relieving" unsuspecting citizens of their spare cash.

### STORY OF A FREE RIDE

[September 16]

This is a short story, or "storiette," in the Sunday edition. It is given a very honorable place, and evidently is offered in good faith as an amusing and interesting account of an exploit that would reflect honor on and secure instant sympathy for the doer thereof. An irresponsible scoundrel of the cheerful, good-natured sort thinks up a scheme that beats the railways out of a transcontinental fare, and it is so ingenious, admits of so many possible adaptations, that the whole fraternity of beats and bounders must be extremely grateful for having it explained. It is subtly done; so subtly that even the trained reader will unconsciously take sides with "Billy," and feel rather glad that he got to the Pacific coast, on nothing, successfully, until he harks back to the principles that Mother used to insist upon as the only possible moral baggage for a gentleman. The ninety and nine will naturally go by the instinctive feeling so recklessly aroused and subtly appealed to, and file the scheme away for possible usefulness.

### POLICE ROUND UP IDLE PERSONS; HIT UPON NEW TRICK

PATROLMAN TELLS HOW THE UNWARY ARE ROBBED OF MONEY AND WATCHES BY SLY PICKPOCKET

[September 19]

We quote: "'Tis a new dodge the rounders have up their sleeve,' said one of the patrolmen concerned in the general ingathering. 'It's this way the trick is turned.'" Step by step, with the painstaking accuracy of a Fagin, the great newspaper proceeds to explain the criminal problem, set forth in letters an inch tall and very black at the head of the article, so that a little child could perfectly understand both the principle worked on and the method of doing the work.

### ALLEGED CARD SHARP CAUGHT IN PITTSBURG

[September 19]

"Member of Leading Political Club Detected with—" The cheating device is clearly indicated in the heading, which

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is that for specially important news, about three inches of column space; following which is a third of a column of text illustrating and driving the lesson home.

INFERNAL MACHINE FOR JACOB SCHIFF

CUNNINGLY CONTRIVED DEATH DEVICE PREPARED FOR THE MAIL. ADDRESSED TO FINANCIER

[September 24]

This is announced in exactly the same type, and the heading is spaced in exactly the same way, as the item about the card-cheating affair, which, under wholesome conditions, would never have been heard of outside the limited circle concerned. Both despatches are equally important, therefore, according to the makers of newspapers; and the only responsibility created by being the custodian, temporarily, of either fact, apparently, is to inform every one who can spell out a line of English print just how to cheat at cards so as to "win a fortune" before being found out, and exactly the way to construct an infernal machine that will pass through the mails without detection. The knowledge of the largest number of persons must be enriched by those two pieces of information in the quickest possible time. Half-grown boys, brain-boozy with dime novels and detective stories; unbalanced, embittered out-of-works; professional agitators, in dread of not being able to keep from dropping back into useful obscurity; and all the reckless, irresponsible, discontented elements in the population, are in need of nothing at the hands of the only educators any of them have the least respect for but to be told exactly how to cheat at cards and how to construct "practicable" infernal machines. If all the college professors in the country, and all the ministers as well, had set aside the 24th of last September for giving lessons in those two arts and crafts to their classes and congregations, we should probably have roared our disapproval to high heaven. But all of them, professors and classes, ministers and congregations, would not be a patch on the sleeve of the mighty host that goes to school in perfect good faith to the newspapers, which are disseminating that kind of culture every day of every year instead of once in a lifetime.

Probably as perfect an example of this deliberate education in crime as any among my clippings is the following under date of October 20, which is the last I need quote. I have skipped many reports, necessarily, because of the space a full list would have required, aiming to give only such typical ones as would illustrate the work which is being prosecuted so indefatigably; viz., the education of all the people in practical crime.

CLERKS GUILTY OF BIG THEFTS IN PITTSBURG BANK

TELLER DESCRIBES HOW, WITH ASSISTANCE OF BOOKKEEPER, AS MUCH AS $10,000 A DAY WAS TAKEN

After explaining what led him and his associate to begin stealing from the bank, "Wray, acting as spokesman, told the story of how they obtained the money." It is all there, as frankly explanatory and exhaustive as a legitimate lesson in a commercial course. The problem is, "How to rob a bank of half a million dollars before anybody misses anything?" After reading the papers on this evening, it is safe to say that every intelligent person knew one successful way in which it could be done. And no man resented the dumping of such information into the mind of his boy.

That newspapers have some sort of working agreement by which news of a kind that is objectionable to them is pocketed and squelched, by what amounts to a conspiracy of silence, recent events abundantly prove. The Supreme Court lately rendered a far-reaching decision, accompanying which is an important adverse opinion. In the ordinary course of news distribution this decision and this dissenting opinion should receive as much space as the initial series of events that led up to them received; but few newspapers have uttered a word in regard to this phase of the subject. And if it is thus proven that they can act as a unit in suppressing some important news, may they not as readily agree not to publish a continuous course in crime?



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# *MR. PERRY'S "WHITMAN"*[1]

THIS biographical study of Whitman comes like a breath of fresh air after the overheated accounts of the poet which have been put forth by some of his friends and disciples of late years. Each of these books contains some record and impression which has value, and the student of Whitman cannot afford to leave them unread; but when Mr. Carpenter, for instance, permits himself to use about Whitman the language generally used about Christ, the student who wants to know the real Whitman, and cares no more for the legendary Whitman than for the legendary horseman who threw his head at Ichabod Crane on the Pocantico Bridge, cries out for fresh air and a little sanity. Whitman was in many ways an extraordinary person; he was capable of great nobility, as his heroic work in the hospitals in and about Washington showed; he looked at American life from a new point of view and interpreted it with original insight and power; it is not too much to say of him, as Mr. Burroughs has said, that his work gives us a new kind of climate; but he did not abrogate the moral law, he did not create new literary forms, he did not dethrone the old sovereigns in the world of letters, he did not substitute life for art, and he is not the ultimate and final poet of democracy.

Mr. Perry brought the methods of the scholar to his task, and for the first time the world has an adequate and candid account of Whitman's antecedents and conditions, and of the outward happenings of his life. This record is not only more complete but it is more intelligent than any that has come from the Whitman cult; it shows that faculty for preserving the significant and rejecting the unimportant fact which idolaters rarely possess; and this exercise of the genius of selection, which was denied Whitman, brings out the vital relations of the man and his work as they have never been brought out before. This is one of the distinctive notes of Mr. Perry's biography, and in many respects its most important contribution to the understanding of Whitman. All true writing is autobiographic in a very real sense; but Whitman's work was more deeply charged with his personality than that of any of his contemporaries; there are, indeed, few poets of his rank whose expression was so much a part of themselves, and the form and shape of whose lives are so distinctly reflected in their work. Here is the source of Whitman's strength, the secret of his originality. He began and ended with himself; but he was, fortunately, a man of very unusual type, and in "celebrating" himself he "celebrated" a very considerable section of humanity. Here also is to be found the secret of his limitation; luminous and plastic as his imagination was, he never could see beyond the limits of his own horizons. What lay beyond of knowledge, character, achievement, or art was, in his judgment, of slight value. So firmly was he convinced of the representative authority of his own nature that he rarely took the trouble to find out whether there were other persons of importance in the world. Hence the colossal egotism which often mars his work and the ridiculous inadequacy of his judgments of men who had been audacious enough to write poetry. It must be added that he sometimes showed striking insight into the character and quality of the literature which he did not produce; but he generally spoke as if Camden were the center of the world, and when he was through with the other poets who pass in long array in various reports of his talks and in his letters, they look very like mutilated figures on a Greek frieze.

In pointing out the identity of Whitman's work with the man rather than with the accidents of his conditions and history Mr. Perry has given the world an example of the best interpretative criticism; it is clear, cogent, convincing, and full of illumination. Commenting on "Leaves of Grass," he writes: "To interpret as formal song what was intended for rhapsodical speech is to mis-

[1] *Walt Whitman.* By Bliss Perry. Houghton, Mifflin & Co., Boston.



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read Walt Whitman. Here was no born maker of poetry, like Shelley, transforming his thought and emotions into a new medium and scarcely conscious of the miracle he is achieving; but rather a man burdened with sensations, wrestling with language, and forcing it into accents that are like the beating of his own tumultuous heart. Both Shelley and Whitman 'communicate' passion; but in one case we are listening to a pure aria that might conceivably issue from a violin or a skylark, while in the other we are listening to a declaimer with 'Tears in his eyes, distraction in 's aspect.' Not to apprehend 'Leaves of Grass' as a *man speaking* is to miss its purport."

The language of the "man speaking" and the forms in which his thought ran were not, however, the spontaneous improvisations of a poet who had escaped from art to nature and found a wholly original method of expression. The effects in Whitman's verse were as carefully calculated as those in Pope's verse. When his powerful imagination was deeply moved, as in "When Lilacs Last in the Dooryard Bloom'd," and "Out of the Cradle Endlessly Rocking," he was borne by great tides out of the waste of professional Bardism in which he often posed, and the reach of his inspiration is high-water mark in American poetry; when he worked at the bench and turned out the average Whitman poem, he was cumbersome, awkward, and ineffective; "the tangible matter often chokes the imaginative flood; there are too many logs in the stream; the observer and describer are too much for the poet. The trouble with Whitman's agglutinative or catalogue method is not that he makes catalogues, but that the enumerated objects remain inert objects merely. He is often like a yard-man coupling parlor-cars whose names are rich in individual associations—Malvolio, Manitoba, Mazzini, Manchuria, Maria. But however excitedly those musical names are ejaculated, this does not start the train."

Mr. Perry's study of the verse forms in "Leaves of Grass" is also a very valuable contribution to the understanding of Whitman; indeed, his analysis and interpretation of the book are singularly lucid, thorough, and convincing. The background of the volume, its indebtedness to contemporary thought, the typical character of its egotism and the significance of its sexual imagery, are treated with insight, firmness, and that saving grace of humor in which Whitman and his idolaters have been conspicuously deficient. The verse of this unique volume has intimate affiliations with such prose as Ruskin often wrote, and, in its worst estate, with the forgotten work of Mr. Tupper and other early Victorian verse writers. Mr. Perry quotes at length a poem by the once popular author of "Ten Thousand a Year" on "The Lily and the Bee," in which appear all the familiar Whitman devices—"catalogue, ejaculation, apostrophe, epithet, and high astounding term:"

"NAPOLEON! NELSON!
—Behold, my son, quoth the Royal Mother, this ancient wondrous country—destined scene of mighty doings—perchance of conflict, deadly, tremendous, such as the world has never seen, nor warrior dreamed of.
Even now the attracting center of world-wide anxieties.
On this spot see settled the eyes of sleepless Statesmen—
Lo! a British engineer, even while I speak, connects the Red Sea with the Mediterranean: Alexandria and Cairo made as one."

Still more striking is the parallelism with this passage from the same poem:

"Poor Bee! Dost thou see ME?
And note my speculations,
Thinking so curiously, all so confident!
Of thee, thy Being, Doings!
—MYSELF! the While!
Unconsciously contemplated by Intelligence, unseen!
Transcending mortal man
Yet far himself from the Supreme
As finite from the Infinite!
This moment loftily scanning ME,
Suspending for awhile his cares sublime,
And gazing down on ME,
On all MY Fellows clustering round
In this our Hive,
Of fancied splendour! vastness!"

Whitman drew his material from many sources, and his characteristic verse was akin to some of the oldest literature. He was intensely modern, but he was also intensely antique; he owed as much to the work of other men and the thoughts of other times as Longfellow or Lowell. Emerson, who had a shrewd

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eye and a luminous wit, said that "Leaves of Grass" was a combination of the Bhagavad-Gita and the New York Herald!

What Mr. Perry has done is to throw a beam of clear light upon Whitman's genius and career, and bring the real man into view; and no greater service could have been rendered the author of "O Captain, My Captain" than to rescue him from the merciless idealization of a cult and set him squarely within the region of sane criticism. Whitman was a colossal *poseur;* he would smilingly confess as much if he could be interrogated. Philosopher, sage, and poet as he became at Camden, calmly accepting the faith of ardent youth who interpreted his most dubious passages as entirely dramatic, he had been the father of several illegitimate children, and had written anonymous reviews of his own books of such an extraordinary character that one knows not which to rate highest, his audacity or his obtuseness to even average standards of modesty. Of the physiological and sexual elements in his verse, Mr. Perry says, with admirable discrimination, that while certain passages are highly offensive, they bear the mark not so much of his imaginative energy as of his automatic describing-machine, and are for the most part as innocent of poetry as a physiological chart. "To a healthy-minded person these lines are like accidentally opening the door of the wrong dressing-room: one is amused, embarrassed, disenchanted, or disgusted, according to one's temperament and training."

Whitman was not the poet he thought himself to be; he was neither a man of the first order of creative genius, nor is he the ultimate poet of democracy; but he was a striking and impressive personality and a poet endowed with breadth of sympathy, feeling for brotherhood, the sense of human comradeship, an imagination of tidal flow and vitality; he is a distinct force in our literature, an original and native voice, and a powerful interpreter of one great phase or aspect of democracy. "He will survive," writes Mr. Perry, "not so much by the absolute perfection of single lyrical passages, as by the amplitude of his imagination, his magical though intermittent power of phrase, and the majesty with which he confronts the eternal realities. . . . Of the totality of his work one may well say, 'The sky o'erarches here.' Here is the wide horizon, the waters rolling in from the great deep, the fields and cities where men toil and laugh and conquer. Here are the gorgeous processionals of night and day, of lilac-time and harvest. The endless mystery of childhood, the pride of manhood, the calm of old age are here; and here, too, at last is the

'Dark mother always gliding near with soft feet,'

the hush and whisper of the Infinite Presence."

# *Comment on Current Books*

*Brunetière on Balzac*

The general impression, critical as well as popular, that the late Ferdinand Brunetière, the eminent French critic, was entirely out of sympathy with the later movements in French literature; that he was heart and soul a classicist, and that his mind was closed against the beauty of the Romantic writers, can hardly survive a careful reading of this strong piece of literary criticism. Balzac was in many ways offensive to M. Brunetière, and the critic makes no concealment of that fact. The faults of the novelist—his exuberance, his passionate interest in money, a certain grossness that runs through his work, a touch of vulgarity, sometimes in the work and almost always in the man—these and other qualities offend M. Brunetière, and he does not fail to characterize them with the utmost frankness and definiteness. On the other hand, the book is almost iconoclastic in its assertion of Balzac's claims to the position of the first novelist in the literature of the world, and in its analysis and definition of his style. Not even Taine's study of Balzac, which was immensely influential in affecting literary opinion in France and elsewhere, was so radical and thoroughgoing in its affirmation of Balzac's greatness and permanent influence as this compact volume. As a piece of writing it lacks grace and ease; but as a piece of literary analysis nothing so

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exhaustive, so penetrating, and so decisive has been written about the author of "Père Goriot." (Honoré de Balzac. By Ferdinand Brunetière. J. B. Lippincott Company, Philadelphia. $1.50.)

*Christ in Civic Life*

Among many recent works on the social teachings of Jesus this is of unsurpassed value. It grew out of a series of Sunday morning talks to students in Cornell University. These utterances of a Christian teacher thoroughly versed not only in the New Testament, but also in his department of political and economic science, cover a wide range in thought and practice, and are put into a form at once compact and clear. The subject is distributed into twelve sections, and each of these into seven topics, the whole thus forming a course for daily study through a three months' period. It is thus admirably serviceable for class instruction as well as for private use. Each daily topic, illustrated by appropriate references to the New Testament and modern authors, receives an exposition, terse and discriminating, of the principles involved and of the ideal to be pursued. Thus the whole work may be regarded as the *Principia* of the Christian life in its social relations. For all pastors and other teachers in this field, too often neglected in the churches, it is an eminently desirable help. (The Political and Social Significance of the Life and Teachings of Jesus. By Jeremiah W. Jenks, Ph.D., LL.D. The International Committee of Young Men's Christian Associations, New York. 75 cents.)

*The Fourth Gospel*

This is a fresh work of the first rank among the many on its subject. Assuming and passing by the results of the critical discussion of the authorship of the Gospel, as held by the majority of European scholars, it is wholly concerned with the literary form, the purpose, and the theology of "John," whom it identifies with no definitely determined individual. Under his simplicity of style it finds an elaborate design, and "a complex work of art." A twofold purpose is seen in it; primarily, the expression of a profound personal religion, and at the same time the adjustment of it intellectually to a new age and environment, in the reconciliation of Hebraic with Hellenic ideas. "It is John more than any other teacher who has imparted the secret of that living fellowship with Christ which is the central message of Christianity." The then current philosophical doctrine of the Eternal *Logos* presented a convenient metaphysical expression of the divine worth of the person of Christ, and John availed himself of it. It served the need of that time, but belonged to that time only. The essence of John's thought must be distinguished from its transient form. "More life and fuller" is the world's comprehensive need, and John's teaching that this is found supremely in Christ gives the highest conception of Christ's supreme worth to the world, and the principle of continual religious development. This principle is seen working in the Gospel itself, whose writer blends with the words of his Master his own words as equally with those the utterance of his Master's spirit. The Fourth Gospel is shown as reflecting the conditions and needs of the third generation of Christian disciples. The young church was building itself up on a basis of doctrine with sacramental seals and symbols. It was engaged in controversy with the older religion in which it had been cradled, and was itself cradling incipient speculations which, when further developed, it expelled—the fantasies of Gnosticism. The relation of John's work to these various exigencies of a period of crystallization are amply and critically treated. Discrimination is constantly made between the spiritual substance of the Evangelist's conceptions and the theological or metaphysical forms investing them. One cannot accept all the interpretations here put upon the record. The "mother," whom Jesus commended from his cross to the beloved disciple, could hardly have been "the ancient faith" of his mother church. But the merit of the volume is in the primacy it gives to the vital heart of the Gospel, its "magnificent conception of God himself eternally present in the believer, through Christ, who unites us with himself, as he is united with God." (The Fourth Gospel, Its Purpose and Theology. By Ernest F. Scott. Charles Scribner's Sons, New York.)

*Ibsen's Collected Works*

Four volumes of the new edition of the collected works of Ibsen which have long been in preparation have now been issued, to be followed in the course of time by seven more, the eleven volumes to include Ibsen's work in its entirety. Two of the plays, "The Feast at Solhaug" and "Love's Comedy," are now put into English for the first time. No statement is made in regard to the character and extent of the revision; that some revision has been made is, however, evident, and where it appears it has been done with good judgment. Mr. William Archer, who has long been the English interpreter of Ibsen, has done his work with sufficient, though not with final, thoroughness and skill. Mr. Archer sometimes fails to get, in the judgment of students of Ibsen in the original, the directness, simplicity,

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and dramatic strength of a writer who, whatever the limitations of his view of life, was pre-eminently a playwright who rarely used a superfluous word, and who never sacrificed a situation for the sake of fine writing. Each volume is supplied with an introduction which differs from many other introductions because it is illuminating. Mr. Archer knows his Ibsen from beginning to end, and he is able to put behind each play the background against which it was written; the introductions, taken together, presenting about all there is to know about Ibsen's life, and, in connection with his letters, putting into the hands of the serious student practically all the information he needs to form an intelligent judgment of the dramatist's work. These introductions are bibliographical as well as biographical, and are full of interesting personal reminiscences. (The Collected Works of Henrik Ibsen. Copyright Edition. Brand. Charles Scribner's Sons, New York. $1 per volume.)

*The Modern View of the Bible*

Since Dr. R. Heber Newton, many years ago, wrote upon "Right and Wrong Uses of the Bible," many books have appeared upon this subject, and there is still need, not so much of more books, but of more readers, for the wrong use of the Bible is still distressingly common. Dr. Selleck, whose volume on "The Spiritual Outlook" we warmly commended a few years since, treats his present subject with tenderness and reverence toward honest fears of Biblical criticism, but with a firm exposure of their mistake, and demonstrates the gain to spiritual interests which accrues from the modern view of the Bible, its inspiration, and its authority. After briefly popularizing the conclusions of Biblical scholars, Dr. Selleck presents a view of the value and use of the Bible thus understood, and lays emphasis on its educational influence as the great instrument for the awakening of moral and spiritual life, especially in the school and the home. The book is an excellent combination of the conservative spirit with a radical method in a constructive treatment of its subject. (The New Appreciation of the Bible. By Willard Chamberlain Selleck, D.D. The University of Chicago Press, Chicago. $1.50.)

*Tent and Testament*

This record of a camping tour in Palestine is from the hand of a scholarly and critical traveler, well read in the observations made by men of his kind, and capable of testing their correctness. Throughout a route which lay in part aside from the common track of tourists his interest in verifying Biblical sites and Biblical allusions fully justifies the title of his record. The narrative is sufficiently enlivened with incident and anecdote to give it continuous interest, and is amply illustrated. The prolonged discussions required by controverted questions as to Nazareth, Bethlehem, Capernaum, and other localities are set off into appendices, and the whole is conveniently indexed. (Tent and Testament. By Herbert Rix, B.A. Charles Scribner's Sons, New York. $2.50, net.)

# *Letters to The Outlook*

### *JOHN BROWN, JASON BROWN, AND GENERAL LEE*

Your readers may be interested, apropos of the hundredth anniversary of General Lee's birth, and the articles about General Lee published in The Outlook for December 22, in an experience which Jason Brown, the oldest surviving son of John Brown, related to me in October, 1906, when he spent some days at my home in Concord.

Returning from California some years ago, Jason Brown fell in with General Longstreet, then living in Atlanta, and asked the General how the negro question is to be settled. Longstreet replied, "If people would let it alone, it would settle itself in time;" adding that the negroes were getting education, were becoming landowners, etc., and would gradually come to their true position. Going on to New Orleans, Jason had a day or two to wait, and went out to the Soldiers' Home of the "Louisiana Tigers," Longstreet's best soldiers at Gettysburg. He was warned by some one to conceal his name, but said he wished to be known for what he was; he registered himself in the Home's office by his true name, and, seeing a portrait of General Lee in the office, he remarked that one of the last things Lee did in the Union service was "to arrest my father at Harper's Ferry." "Are you a son of John Brown?" "Certainly." And by that name he was made known to the Confederate veterans, who received him most heartily. Indeed, he would be kindly received anywhere that simple goodness and copious knowledge on all practical subjects are respected.

You may be interested further in some particulars about Jason Brown, as one of the

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few remaining personal links connecting our time with that of his father.

For the first time in nearly sixty years he revisited Boston last fall. His errand in New England will appear singular to those who do not know his earnest and unusual character. For half a century—he is now eighty-four years old—he has been interested in the navigation of the air, and nearly forty years ago he and his brother Owen, then living in Pennsylvania, got the famous aeronaut Wise to build a balloon for them. But he became satisfied that the balloon is not the proper air-ship, and has for many years favored heavier constructions, with an independent motor, making the flight depend on momentum rather than buoyancy. Knabenshue, the Ohio experimenter in air-ships, found Mr. Brown so well informed and helpful that last year he engaged him, at the age of eighty-three, to assist in his ascensions at Columbus in the State Fair of Ohio. He engaged him again at Trenton, New Jersey, and at the Brockton Fair in Massachusetts, where he spent a week, and aided in the successful ascensions and flights there. His home lately has been at Akron, Ohio, where he lived before going to Kansas in 1855; but for some twenty years he lived in California, at first in Pasadena with his brother Owen (who is buried on a mountain top near Pasadena), and then in the redwood forest of Santa Cruz County, where he cleared land and planted a vineyard and orchard, which he still owns. He intends to join the family of his brother John at Put-in-Bay Island in Lake Erie and devote himself, as of old, to fruit culture. He is one of the few survivors of the fight in Osawatomie fifty years ago; he marched and shot beside his father in that resistance of fifty men against five hundred, in which the Missouri raiders got the worst of it, although they sacked and burned part of the little town. It was this battle which Vice-President Fairbanks and many thousand persons celebrated at Osawatomie last summer. In the Kansas troubles of 1855–6 Jason Brown's cabin was burned, his cattle stolen, and he was himself captured and threatened with death; but his life was saved by an honorable Kentuckian named Jacobs. His character remains, after forty-seven years, much what his father described it in a letter to Mrs. Marcus Spring, written from his Charlestown prison eight days before his execution. John Brown wrote:

I have a son Jason at Akron, a very laborious, ingenious, temperate, honest, and truthful man. He is very expert as a gardener, vine-dresser, and manager of fruit trees, but does not pride himself on account of his skill in anything; always has underrated himself; is bashful and retiring in his habits; is not (like his father) too much inclined to assume and dictate; is too conscientious in his dealings and too tender of people's feelings to get from them his just deserts, and is very poor. He suffered almost everything but death on the way to and while in Kansas, and returned to Ohio not a spoiled but next to a ruined man. He never quarrels, and yet I know that he is both morally and physically brave. He will not deny his principles to save his life; and he "turned not back in the day of battle." At Osawatomie he fought by my side. He is a most tender, loving, and steadfast friend, and on the right side of things in general, a practical Samaritan (if not Christian).

One of your correspondents has spoken of the magnanimity shown in The Outlook's articles about General Lee, the military leader of the Confederacy. May I quote part of a letter from a Confederate soldier which shows equal magnanimity respecting John Brown and his work, a magnanimity which it is pleasant to recognize as manifested toward a man who at one time evoked the bitterest feelings in the South:

*To John Brown, Jr., Put-in-Bay, Ohio.*

Dear Sir: Duty took me to Harper's Ferry at the time of the Raid in 1859 (I was then connected with the Baltimore press), and by chance was brought into close personal contact with both your father and your brother Watson. After the assault I assisted your father to rise, as he stumbled forward out of the historic engine-house, and was able to administer to your brother, just before he died, some physical comfort which won for me his thanks. I gave him a cup of water to quench his thirst (this was about 7:30 on the morning of the capture), and improvised a couch for him out of a bench, with a pair of overalls for a pillow. I remember how he looked—singularly handsome, even through the grime of his all-day struggles and the intense suffering he must have endured. He was very calm, and of a tone and look very gentle. The look with which he searched my heart I can never forget. I asked him, "What brought you here?" He replied, very patiently, "Duty, sir." After a pause I again asked, "Is it, then, your idea of duty to shoot down men upon their own hearthstones for defending their rights?" He answered, "I am dying; I cannot discuss the question: I did my duty as I saw it." . . . I write you with deep earnestness, and with respect. The war, in which I took part on the Southern side, eradicated many errors of political opinion, and gave growth to many established truths not then recognized. I have for my own part no regrets for my humble share in the revolt: but I have now to say that I firmly believe the war was ordained of God for the extermination of slavery: and that your father was an elected instrument for the commencement of that good work.

I am, sir, with respect, yours truly,
C. W. TAYLEURE.

The entire letter will be found in my "Life and Letters of John Brown."

F. B. SANBORN.

Concord, Massachusetts.

## *A SOLDIER'S VIEW*

Unless it can be demonstrated that the discharge without honor of the entire battalion of the Twenty-fifth United States Infantry was lawful, was right, and was necessary, that battalion has invented a mode by which the enlisted men of such a battalion can successfully defy law and discipline, and the

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morale and effectiveness of our army be seriously impaired.

Will you allow an old soldier briefly to state in your columns why and how this is so?

The post was at Brownsville, Texas; so close to the dwelling-houses of the people that the shots fired on that night were distinctly audible at the post and headquarters of the battalion guard on duty. This guard had an officer of the day, an officer of the guard, non-commissioned officers, and private sentries. All sentries on post, and several officers and non-commissioned officers, had to remain awake, alert, observant of every noise or indication of disorder. They all heard, or were in duty bound to hear, all the shots fired in Brownsville that night. The first shots made it the duty of said officers, sergeants, and corporals forthwith to see that all sentries were on the alert; to arouse their guard; to direct the arrest of every soldier or person who entered or attempted to enter the post; to cause immediate inspection of quarters, and to note the name and company of every absentee; inspection of arms racks, and to note whose guns were missing. Experienced soldiers know that if all did their duty the commander of the battalion would know, at least as early as morning guard mounting, the name of every man who was out of the post that night, and the offenders would be in arrest. If duty was done, it was impossible for any soldier who was out of the post when the shooting began to re-enter the post without the knowledge of the guard. The inspections made necessary by the firing necessarily made many men in quarters aware of the absentees.

It was the duty of officers, sergeants, and corporals to question each soldier under their respective charge; it was the duty of every soldier so questioned to answer truly and tell every fact known to him that was material to the inquiry.

Nothing but concert and agreement practically embracing the enlisted men of the battalion could possibly prevent the battalion commander from learning, within twenty-four hours after the shooting, the name of every soldier who had been out of quarters and post that night.

The fact that not only weeks but months have passed and none of those names are known proves, beyond all reasonable doubt, that there was a concerted agreement and conspiracy, practically embracing the battalion, to protect the guilty and prevent their punishment.

Before President Roosevelt acted, every effort had been made by both civil and military authorities to find evidence sufficient to establish who did the shooting—and such evidence could not be found. Therefore no punishment by a court, either martial or civil, could be made.

The question before the President was simply this: Shall a battalion whose enlisted men have by combination and conspiracy refused to do their duty of making true answers to rightful questions, and thereby demonstrated their ability to defy law and authority, be continued in our army?

The men can never forget their success in that defiance. If no punishment shall follow, other regiments also will know how successfully to defy law and authority. As an officer I would be unwilling ever to have that battalion near any troops under my command. Other officers of experience and judgment cannot help thinking and feeling as I do. The statute cited by Senator Foraker does not apply to such a case. The courts hold that the "letter" of a statute is controlled by the object and purpose of its enactment. Justice to Congress requires that no court shall hold that Senators and Representatives intended that act to apply to the facts above stated.

To preserve the morale of the army, to enable officers to maintain discipline, it was absolutely necessary that the battalion of the Twenty-fifth Infantry should cease to be in the army. They were not discharged as a punishment for the shooting in Brownsville. The discharge was because of the conspiracy to refuse, and the actual refusal, to perform the military duty of making true answers to the rightful questions put by their officers, and by Inspector Major Blocksom. The discharge could not be with honor. It was necessary to state that it was without honor because that was the fact. The order of the Secretary of War to re-enlist any man who can establish that he was not guilty either of the shooting or of the refusal to do duty gives to the few possibly innocent men all the protection that, under the facts and for "the good of the service," can be given them.

THE OLD SIXTH CORPS.

## *"THOSE LOST GARMENTS"*

Your correspondent "Y." writes in a very womanly and appealing way in regard to the common representations of the infant Jesus in pictures of the Nativity. She adds: "From the old masters down to their present very far removed successors, the greatly swathed Madonna holds a little naked Jesus and seems to be satisfied."

I venture to call her attention to one very notable exception. In the famous picture of Correggio in the Royal Gallery in Dresden, "La Notte" (the Nativity), the infant is ten-

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derly "wrapped in swaddling-clothes," so that only his face and head, from which stream the light that irradiates the scene, are uncovered. E. N. W.

### "FRIEND" AND "BROTHER"

As a member of a Quaker family for several generations, residing in Philadelphia, the very stronghold of Quakerdom in the United States, I cannot forbear a slight criticism on an article in The Outlook of December 22 or 29 on the Mormons, in which the writer states that the Mormons, "like the Quakers," address each other as "brother" and "sister." What manner of Quakers, I wonder, could your correspondent have in mind! Quakers address one another as "Friend," but, oh! *never* as "brother" and "sister," in Philadelphia at least.

Ardmore, Pennsylvania. QUAKER.

### "THE GENTLE ART OF KILLING FISH"

The prime question is not whether it hurts the fish; it is whether it hurts or helps the man. And this question, as Professor Bailey suggests, cannot be disposed of by a general rule. Each man can decide only for himself. Thus I can speak for one who kills fish (occasionally, when they don't get away) and partridges (still more rarely), and who, on the whole, justifies himself in his own heart.

It was my fortune to pass my boyhood on the plains in pioneer days, where one or two guns were as much a part of the household equipment as the coffee-pot or the photograph album. The shotgun was expected to make substantial contribution to the support of the family, and the rifle behind the door gave a real sense of protection. During many a long, glorious boyhood day I tramped the prairies with my gun, and if I brought home a jack-rabbit or a fat mallard at night it was as if my tired feet trod on air. I was a boy then, and a perfect savage of course, and the killing was a lust in itself without ever a qualifying qualm; but the visions of those days walk with me yet, and the training I received in that school was worth more than all I ever got from Ray's Arithmetic and Reed and Kellogg's Grammar.

So much being told, it hardly needs to be added that now, in middle life, I find two hours in the field with my gun worth more by way of renewing my youth than a trip to Paris or weeks of reading Thoreau. It is possible, of course, to go to the woods unarmed, or carrying nothing more deadly than a camera. There are large satisfactions to be found in the fields by any one who has any points of contact with the world of nature. But there is a zest to catching black bass which no one can claim for the mild and sanctimonious study of maple-trees, and the excitement of an occasional shot at a flying duck will do more to bring back the animal spirits to a tired, anæmic office drudge than twenty weeks of rapt contemplation of the beautiful mountain peaks.

To be perfectly honest, I must allow that advancing years have brought some change of heart, and that I now experience some unpleasant twinges when the beautiful trout finally lies gasping on the grass. But—but! I also feel those same twinges when I meet a poor woman suffering for clothing and remember that my moonstone shirt-studs (which I never wear) would buy her a warm dress, or even when I think that the money which enables a hired choir to entertain me for a few minutes on Sunday morning might be the entire support of a missionary in a far dark land where men need light worse than I need entertainment. The fact about these little stabs of sentiment is that, however creditable they may be to us, we are obliged to let them pass without much tangible effect. I am glad I have a conscience, and I try not to abuse it, but I understand it must not be overworked. F. A. WAUGH.

Amherst, Massachusetts.

### SCIENTIFIC CRUELTY

In a recent Sunday edition of the Sun there appeared a report of the meeting of the American Association for the Advancement of Science held in New York City the last week in December, at which Professor John B. Watson read a paper describing experiments made by him to show that rats have a sixth sense. He placed a rat in a covered box from the center of which a maze led to escape and food.

After the rat had learned to traverse the path with all of his senses present, Dr. Watson then eliminated them one by one. First he removed the eyes from the rat. Still the animal went through the maze without any difficulty. Then he removed the olfactory nerves, and the same thing happened. Thinking the animal had done it possibly by the sense of touch, he froze the feet of the rat, but the rat still went through the maze. Then, to make the test final, he completely covered the head of the rat with collodion, and yet it managed to escape. This, said Dr. Watson, seemed to point to the fact that rats might have a sense which might be called one of direction, which may or may not be possessed by other animals.

The report says that the paper aroused comment. It is probable that it aroused indignation and horror in two-thirds of the readers of the Sun. Comment would hardly seem to be necessary, but I will quote a few statements from an article by Bishop

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Lawrence favoring vivisection [within limits] which appeared in The Outlook of April 9, 1904:

> Now, if there is any case where an animal is cruelly operated on, if it is put to unnecessary pain, it is time for those who have the evidence to call in the police. Our people will not tolerate cruelty. . . . Granted even that some pain and suffering are necessary, we must remember that these experiments are carried on with the sole purpose of so advancing science as to relieve men and women from far more suffering and agony than animals endure.

Will the Professor or any of his fellow-vivisectionists kindly tell us of what suffering and agony men and women will be relieved by this discovery that rats have a sense of direction? It is a curious bit of information, but does it tend to prolong human life? It certainly does not add to the sum of human happiness to know that animals are being subjected to such torture. Some one may say that it was "only a rat," but is it not quite probable that the professor will now proceed to find out whether this sense of direction "may or may not be possessed by other animals"?

It would be interesting if we could know whether or not the Society for the Prevention of Cruelty to Animals consider the rat an animal, also whether the treatment above described constitutes cruelty as they define the term.

JOSEPHINE C. LARKIN.

Concord, New Hampshire.

### *ANOTHER CHINESE HERO*

Reading in The Outlook Mr. McCormick's article, "Two Chinese Heroes," I am reminded of an incident related to me a few years since during a voyage from Brisbane, Queensland, to Batavia, Java, which shows devotion and heroism on the part of a poor Chinese servant rarely if ever equaled. On a small island inside the "Great Barrier Reef," North Queensland, an Englishman was engaged in gathering and curing the *bêche de mer*, a delicacy greatly prized by the Chinese. One day this man was obliged to visit a distant town for supplies, leaving his wife and infant child with the one Chinese servant at their home. During his absence the servant came to the house in great alarm, saying that the natives had come from the mainland and were proceeding down the island towards their house. It was known that the natives were cannibals, exceedingly cruel and ferocious. The proprietor having taken the only boat, the Chinaman hastily placed a jug of water and a little food in a large copper vessel used for cooking the marine snails, assisted the woman and child into this singular bark, and paddled away to an uninhabited island three or four miles distant, where the woman and child were made as comfortable as possible. The natives reached and destroyed the little home.

So long as she lived the woman kept a diary of events, among other things writing that the Chinaman would not share in the least their scanty store of food and water, and finally, after days of denial, he went off by himself, where later he was found dead, starved to death, in the brush, wrapped in his old ragged quilt.

Both woman and child succumbed after days and nights of privation, and all were later found, with the diary history of the little tragedy.

When I have heard or known in our own favored land of abuse of the Chinese, I have loved to tell of this instance of heroic self-denial of "one of the least of these."

GREENLEAF A. GOODALE.

Colorado Springs, Colorado.

### *THE CONGO REFORM ASSOCIATION*

The situation in the Congo Free State has been stigmatized as "the open sore of the world." For the facts see The Outlook of January 5. The Congo Reform Association, organized by men of National repute in this country, is carrying on a campaign of public enlightenment, to the end that our Government may be led to exert the influence of the United States in relieving the Congo natives from their wretchedness under King Leopold's atrocious rubber-getting régime. This Association is now in immediate need of funds. Inquiries may be addressed to John Carr, Treasurer (Chairman of the Board of Directors of the First National Bank of Boston), 723 Tremont Temple, Boston, Massachusetts.

### *NOISELESS BRIDGES*

*In re* your editorial paragraph of January 12 on "A Noiseless Bridge," an American railway engineer who has been studying overhead structures abroad tells us that the elevated in Berlin is noiseless through use of ballast. The Boston elevated experimented with ballast on a stretch of track along Atlantic Avenue, and it is stated by engineers who studied the experiment that it was so successful that the company had the ballast removed lest the public discover the improvement and demand its adoption throughout the system.

A. CHAMBERLAIN.

Winchester, Massachusetts.

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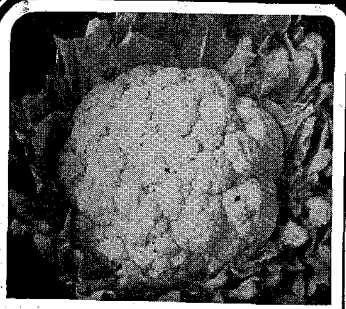

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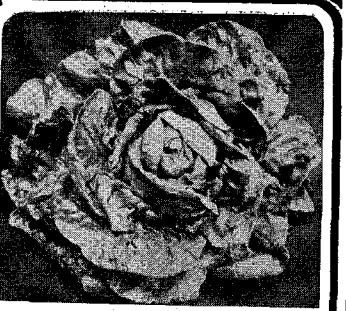

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